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STATE OF CALIFORNIA

## Department of Social Welfare

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DIRECTOR

Sacramento  
May 4, 1943

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HANDBOOK LETTER #7

IN REPLY PLEASE REFER  
TO:

You receive herewith Assistance to Enemy Aliens, Revisions 5 through 18, and Appendix, Revision 1. This material is to be entered in your copy of the War Services Handbook, and the revision numbers cancelled on the separators for the revised chapters. These additions and revisions become effective immediately.

These additions and revisions are by and large restatements of policy and procedure previously passed on to the counties when the occasion arose for applying them. They center around the following three subjects and were necessitated because:

1. The Swiss Legation considers for assistance out of German funds only those German nationals who desire to be repatriated. As the attached procedures provide, the public assistance workers are to refer to the Swiss Consul only those nationals who prefer to receive aid from German funds; repatriation is not to be discussed by the public assistance worker and applicant. The Swiss Consul will make all decisions regarding eligibility of persons to receive aid from German funds.
2. A procedure has been developed between the Immigration and Naturalization Service of the Department of Justice and the Federal Social Security Board for special investigations and recommendations relative to the reuniting of internees and their families in family internment camps. The procedure calls for the use of a referral form by the Immigration and Naturalization Service, but this step has not yet been invoked.
3. The relationship between the Enemy Alien program and the War Relocation Authority program pertaining to excludees has been agreed upon. In brief, the counties under the Enemy Alien program take over the service and assistance for the dependents of excludees after the War Relocation Authority declares them no longer its responsibility.

Statements contained in the Handbook take precedence over same material previously released in bulletins.

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The county welfare departments have been designated by the SDSW to administer the war services program in their respective counties. In planning, the county welfare departments should develop their organization as far as possible in line with the organization of the categorical aids. Total expenditures for administration and assistance are paid from Federal funds. Since most of these cases are emergent short contacts requiring quick decisions, the staff members assigned to the program should either have the authority to make decisions or free access to the person who has authority to make decisions.

Other agencies which participate in this program include the following:

1. Department of Justice: The Department of Justice has various functions in relation to enemy aliens, including the following: Responsibility for the issuance of certificates of identification; regulation through the United States Attorneys of certain aspects of the conduct of enemy aliens; detention and decision on internment; and the operation of some internment camps; and authority to designate restricted and prohibited areas and to regulate enemy alien conduct with respect to such areas. The Alien Enemy Control Unit is the coordinating unit within the Department of Justice and with other agencies on the apprehension, detention, and control of enemy aliens.

The Immigration and Naturalization Service within that Department clears requests forwarded to the Department of Justice and/or the War Department of interned persons for services to their dependents.

2. War Department. The War Department has been authorized to proclaim military areas and to regulate the right of any person to enter, remain in, or leave such areas. Responsibility for maintaining certain internment camps and for delineating the individuals for exclusion and the areas from which persons are to be excluded, as well as procedures culminating in exclusion orders, and referrals for prosecution of violations by the Department of Justice, rests with the War Department. Persons whose internment has been ordered by the Department of Justice are placed in the custody of the Army and sent to internment camps under military control.

3. War Relocation Authority: The WRA is authorized and directed by Executive Order 9102 to formulate and effectuate a program of assistance to the persons or classes of persons designated by the Secretary of War or the appropriate military commander in exclusion orders issued under Executive Order 9066, and for their relocation, maintenance and supervision. It is authorized to arrange for appropriate cooperation from any governmental agencies. Responsibilities are three-fold: (1) operation of Japanese Relocation centers; (2) planning for relocation outside the centers of Japanese presently residing in these centers; and (3) services to citizens or non-citizens who have been ordered excluded from a particular area. (See Sec. WS 10-47.)



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It selects, prepares, and operates permanent centers where Japanese who have been removed may live and work. Relocation areas are approved jointly by the W.R.A. and the War Department. The relocation centers will be established in sparsely settled areas offering opportunities for agricultural development. It is expected these centers will be self-governing, democratic communities. The W.R.A. has responsibility for supervising all work and employment of relocated persons, both in and out of such centers. By means of its Work Corps it mobilizes the skills and abilities of employable persons who have been moved from their homes to undertake programs of constructive work.

Funds made available for the Enemy Alien Program may not be used for the support of enemy aliens and others within the relocation centers.

The Relocation Assistance Division of the WRA administers assistance and service to individual excludées within certain limits.

4. U.S.E.S. It is expected that full utilization of the resources of the employment service will be made available to each employable applicant, and that plans for employment training may be made available. It is, therefore, suggested that each case history include a summarization of the employment possibilities within the family keeping in mind the present urgent national need for maximum production.

Special services for excludées are available through the area supervisor of WRA who may provide information obtained from the USES labor market data concerning three localities for the excludée to consider for employment opportunities in non-restricted regions. Information shall include housing conditions, cost of living, and other helpful points. The USES offices in the excluded area receive claims for Unemployment Benefits which should be filed before the excludée leaves. If the excludée needs assistance in getting employment he should register for new employment on his arrival. He may present a letter of introduction from the USES office in the district from which he came. That office will send duplicate letter of referral and work history to the branch serving the new locality.

Sec. WS 10-10 Protective Powers Representing Interests of Enemy Countries  
WSE

The Legation of Switzerland is at present actively cooperating in this plan by providing financial assistance to German citizens who wish to be repatriated, from funds made available by the German Government.

The Governments of Italy and Japan have not yet made money available for assistance to their citizens.

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## ASSISTANCE TO ENEMY ALIENS

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Sec. WS 10-15 Organizations Interested in Alien National Groups  
WSE

Private organizations, among them the National Refugee Service, the Young Women's Christian Association, the International Institute, the Society of Friends, and some private family and children's agencies, are especially interested in problems of alien national groups. Where these agencies exist, they should be used as needed, on a consultant and referral basis, as other community resources.

The common Council for American Unity has prepared a directory of regional State and local social agencies which have been established for the specific purpose of helping foreign born people in the U.S., with the problems arising out of their alien status or foreign origin. Since the directory was compiled on the basis of agency statements only, without any investigation as to accuracy, the Council suggests that local agencies check the data on social agencies listed in their community as a basis for their use of these agencies. A limited number of copies of the directory are available at a nominal charge from the Council office, 222 Fourth Avenue, New York City.

Sec. WS 10-20 Scope of the Enemy Alien Program  
WSE

This program is designed to make provision for services and assistance in individual situations to certain enemy aliens and "other persons." Persons included in the plan are:

1. Enemy aliens or other persons and their dependents whose removal from a specified area, which is permitted to be individually effected, has been ordered by the Army or other properly authorized governmental agency; or whose activities within such area have been subjected to military regulations. This will include the Caucasian spouses of Japanese in relocation centers, aliens who lost employment because of curfew or travel regulations, aliens who because of removal from restricted or prohibited areas have been unable to reestablish themselves, alien fishermen who have not been able to secure other employment.
2. Enemy aliens who have been detained and later released; and the dependents of enemy aliens who have been excluded, detained and interned or released.
3. German nationals who are in need from causes other than restrictive action or internment, but who prefer to receive assistance from German funds, provided they wish to be repatriated. The Department of State has requested that all mention of repatriation be omitted by county welfare departments when discussing the possibility of assistance with German nationals.



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German citizens who have lost their means of livelihood as a result of prejudice directed at them as enemy aliens are not eligible for service or assistance under the terms of the plan for enemy aliens, unless they are also affected by a restrictive action of this government and do not wish to be repatriated.

4. Although Italian nationals are no longer designated as enemy aliens by order of the U. S. Attorney General, their eligibility under the Enemy Alien Program has not necessarily been affected. Italians who might be currently subjected to restrictive action or who will be so subjected in the future are eligible. Assistance may also be continued to those Italians who have been but who are no longer subjected to restrictive action until such time as they are able to secure employment. That is, those persons who are now in need because of a previous restriction, even though that restriction may have been removed, may be aided until they are able to meet their own needs. Every possible assistance should be given the individual or family in order that rehabilitation may be achieved as soon as possible.

In some instances it may be impossible for Italian nationals to return to former occupations because of certain limitations placed on the occupations rather than on the individual. Where it is necessary for Italian nationals to seek new positions and possibly new occupations, recognition must be given to the fact that such adjustments may require time and skillful counseling on the part of the county welfare department worker.

Sec. WS 10-30 Definition of Enemy Aliens and "Other Persons"  
WSE

Enemy alien status is determined by the Department of Justice, but it may be stated in general that the following persons have the status of enemy aliens.

All aliens 14 years of age or older who are natives, citizens or subjects of countries on which the U. S. has declared war;

All aliens 14 years of age or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of countries on which the U. S. has declared war.

The term "other persons" is used in a special sense to cover persons, other than enemy aliens who may be subject to regulations issued by the Secretary of War or the designated military commanders. Persons of Japanese ancestry, or citizens whose associations might lead to question are, therefore, made subject to the regulation with regard to entering, remaining, or leaving any military area.

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- a. Public Proclamations, which define the boundaries of military areas and regulate the conduct within such areas of persons designated in the proclamations; and
- b. Civilian Exclusion Orders which contain the regulations governing the removal of designated persons from a particular military area.

Removal. Assistance is available after the issuance of an exclusion order by the military commander or the U. S. Attorney General directing specified groups of persons to remove themselves, or after an official statement that such an order will be issued. Assistance may be given to families and individuals in these groups after the exclusion order or the official statement has been issued, both prior to and after their removal.

Regulation. The only regulations constituting restrictive action under this plan are those issued by a military commander regulating the conduct of enemy aliens and others within a military area, or those issued by the Attorney General regulating the conduct of enemy aliens only within prohibited or restrictive areas. Enemy aliens in need because of regulations of the Department of Justice governing the conduct of enemy aliens generally throughout the country in relation to travel, cameras, etc., are not included in this plan.

Detention. Enemy aliens thought to be dangerous to the national security are apprehended by the Federal Bureau of Investigation and placed in detention under the custody of the Immigration and Naturalization Service of the Department of Justice, pending final decision on their case. Unlike criminals, enemy aliens are apprehended and detained, not because of proof that they have broken a law, but because of the Federal policy that makes national safety the paramount interest. Cases of detained persons are heard by civilian hearing boards, appointed by the U. S. Attorney General and located throughout the country; the recommendations of the boards are reviewed by the U. S. Attorney General, and final decision is made by him. Detained enemy aliens may be unconditionally released, paroled under specified condition, or interned. It may take many months before a final decision is reached.

Internment. Enemy aliens who are found by the U. S. Attorney General to be dangerous to the public peace or safety of the United States are ordered interned in camps operated by the Department of Justice or are transferred to the custody of the War Department for internment. The fact that an enemy alien has been interned does not necessarily mean that he has been guilty of subversive activities, but he may be interned because it is feared that, if given the opportunity, he might engage in some activity adverse to the war effort.

Exclusion. Individuals whose presence within designated areas is deemed dangerous to the safety of the nation may receive exclusion orders which prevent them from remaining in, or reentering the designated areas. (See Sec. WS 10-47.)



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It should be clearly borne in mind that this plan covers persons excluded, detained and interned. It does not cover persons who are apprehended by law-enforcement officers and imprisoned because of having broken a law.

Sec. WS 10-45 Relation of Enemy Alien Program to Other Assistance Programs  
WSE Administered by the County Welfare Departments

It is not intended that this plan be used as the only social-service resource of persons who come within its scope. It is important to provide a continuity of services to enemy aliens, as to other individuals and families. The Federal Government, of course, stands ready to assume responsibility for the special services and assistance necessitated by its restrictive action in protecting the public interest. The type of service to be made available should, however, be decided on the basis of what is most adequately related to the best interests of the individual or family and at the same time consistent with the public interest.

The SDSW will ordinarily accept the determination of the county welfare department as to the proper allocation of responsibility in borderline cases. Financial assistance may not be made available simultaneously under this plan and under one of the regular programs. As the need for financial assistance under this plan must result from a restrictive action of the Government, there will usually be no problem in deciding under which program the case should be carried. In instances in which the family or individual may be eligible under both this and other programs for which the agency is responsible or upon which it may draw in granting assistance, the county welfare department will be guided by the following general policies in determining the program under which services and assistance should be granted:

1. In cases in which the individual or family was not in need of and was not receiving service or assistance prior to the restrictive action that resulted in need, the case should be cared for under this plan, even though eligibility for another special type of assistance (such as ANC) could be established;
2. In cases of individuals or families who were receiving service or assistance under another program:
  - a. If the total situation of the family is substantially changed as a result of the restrictive action (as in cases requiring relocation and involving major readjustments), the case may be transferred to this program;
  - b. If the situation remains substantially unchanged (as in the case of a separated family in receipt of ANC, in which a father who has been absent from home on a continued basis is interned), the case should be continued on the regular program.

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Sec. WS 10-47 Relation of Enemy Alien Program to WRA Program for Excluees  
WSE

To help insure compliance with exclusion orders, and to enable relocation to be accomplished without undue hardship, particularly to the families of the persons concerned, the WRA has a limited service and assistance program for excluees and their dependents which usually does not extend beyond 30 days. Dependents are considered to be members of an excluee's immediate family who have been and are in fact dependent upon him for support. This program includes financial aid, based on a determined of need; transportation for both persons and a limited amount of personal property; referral to cooperating agencies such as the USES in the old or new community, etc.

After the WRA has terminated their services and assistance to the dependents of the excluee these dependents may become eligible under the enemy alien program.

Among other services available through the WRA for the excluee, which may extend beyond the original 30 day adjustment period are certain services regarding property holdings of the excluee. The WRA responsibility for management of excluees' property covers property in prohibited areas both during the period of evacuation and relocation, and after relocation has been accomplished. Property operations will be conducted for and in the name of the owner and an attempt will be made to safeguard in every practicable way the interest of the excluee. The WRA will not assume any obligations of the owner. Assistance may be given, making use of commercial facilities with the knowledge and approval of the owner in the following lines:

1. Negotiating the termination or renewal of leases.
2. Arranging for sale or lease of property and goods or for their storage at the expense of the excluee.
3. Acting in behalf of excluees to determine whether property is being properly maintained, and that damage and waste are being prevented and sending reports to the excluee as may be necessary.
4. Examining inventories of goods and equipment as may be necessary and expediting use of such material in the best interest of the nation and the excluees.
5. Arranging through the customary commercial channels for the collection of rentals and debts due excluees. Area supervisors of the WRA will not personally handle collections for or make payments in behalf of excluees.
6. Compromising claims against excluees.



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7. Maintaining temporary custody and protection of property abandoned by tenants of excludée until arrangements can be made for operation or disposition.

Sec. WS 10-50 Relation of Enemy Alien Program to Plan of the German Government  
WSE to Assist German Citizens through Swiss Consul

The German Government has provided the Legation of Switzerland with funds that it may use to assist individuals of German citizenship in the United States, who desire to be repatriated. In determining citizenship the Legation is bound by the laws of the Reich. Under these laws, Jewish persons having citizenship in countries conquered by the Reich are excluded from German citizenship. Such persons are ineligible for assistance through the Legation; they are eligible under the plan for enemy aliens, when they are in need as a result of restrictive action by the Federal Government.

Sec. WS 10-60 Referral to Enemy Alien Program  
WSE

Although applications for public assistance are generally made by the applicant himself, direct applications under this plan may be less frequent. Requests in behalf of persons who may be in need of services and assistance may be received from such agencies as the Department of Justice, the Army, the W.R.A., and the American Red Cross. Requests may also come from the consulates of the Swiss Government, which represents the interests of German and Italian citizens who are living in the United States or from the consulates of the Spanish Government, which represents the interests of the Japanese who are living in the United States.

Referrals may come in the form of lists of names and addresses of persons either to the SDSW or the county welfare department. The reason for the referral will not always be given.

Sec. WS 10-65 Initial Interview  
WSE

Referrals sent directly to the SDSW will be forwarded to the county welfare department for follow-up. That department will take the initiative in arranging an interview with the family or the individual referred, preferably in his own home. See Sec. WS 12-00 for limitations on discussions with German citizens.

Every attempt to assure the family of fair dealing must be made at the time of the first contact. Full explanation of the function and services of the county welfare department and of the limitations of the services available under this plan is essential for the establishment of a working relationship between the worker and the family. The family should understand that, in making services available, the county welfare department does not have responsibility for law enforcement.

## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

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3. An analysis of the family's requirements and resources for the period covered by the plan;
4. Determination of amounts of financial assistance necessary;
5. Recommendations to the proper authority that the necessary change of residence forms and travel permits be executed.

Residence of the family in the military area potentially prohibited must be verified, as well as the fact that the relocation planned for is not in a military zone or area. The source of support and housing facilities upon arrival should also be determined. If support is through employment, verification should be made by direct contact with the new employer unless employment was secured through the local U.S.E.S. office, in which case it will be made directly by that office. The factors to consider are degree of permanence, continuity of employment, and degree to which earnings will meet current needs. If support is through relatives or friends, the county will use regular channels for making out-of-town inquiries and follow procedures governing inter-State relationships.

Sec. WS 11-45 Liaison Service  
WSE

The county welfare department may be asked to serve as a channel of communication between the applicant and relatives and friends living elsewhere. There will occasionally be situations such as those involving plans for child care, which will require communication, including personal interviews, with aliens who are interned or excluded.

Permission for county representatives to enter internment camps for personal interviews must be arranged through the SDSW. A letter from the county welfare department giving the name of the person who will make the contact with the camp, his title, nature of the business to be transacted and the name of the person to be interviewed, should be sent to the SDSW. That department will clear the request and will notify the county when permission has been granted. Interviews may be held only with those persons for whom permission has been obtained. Regulations of the Department of Justice prohibit reference to the subject of reason or length of internment by any county welfare department.



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Sec. WS 11-55 Financial Assistance  
WSE

When financial assistance beyond that given to meet the immediate situation is required, it may be granted to individuals and families month by month on the basis of need and during such period as funds are available under this plan.

Although no statewide policy has been set and the budget has been left to the discretion of the counties it is expected that standards of assistance for this program will not be higher than those generally applicable to persons eligible for financial assistance under the other welfare programs operating within the State; it is expected, however, that subsistence needs will be met. The standards in the approved plan for ANC or those in the GR program may be most nearly applicable to this program. Most counties have found the ANC budget most nearly applicable.

If the GR budget is used, it should be recognized that some allowance must be made for those services or resources ordinarily available to persons receiving GR but not available to certain of the enemy alien group who may lack residence in the community.

There is no statewide limit on real or personal property. It is expected, however, that available assets will be taken into consideration and the advisability of using them will be determined on an individual case basis.

Verification is not required prior to granting emergency aid where there is immediate need. When the family will require long time care, however, the usual verifications will be made.

The county's standards and operating procedures for determining need and the amount of assistance may require adaptation to include provision for the treatment of special problems that are not usually considered as coming within the definition of need. In all cases need shall be determined by considering requirements in relation to available resources. Such adaptations should include:

1. Provision for assistance in cash or in kind to individuals or families living in their own homes, boarding homes, or other types of living arrangements.
2. Consideration, in establishing need, of anticipated expenditures related to the services the family may require, and inclusion in the payment of the cost of medical care, travel, moving or storage of household effects. Provision should also be made to meet the cost of burial.
3. The immediate provision of cash in hand, assistance in kind, temporary shelter, travel, and transportation of household goods to meet emergencies.

Sec. WS 12-00    Cooperation With the Legation of Switzerland on Assistance to  
WSE                    German Citizens

The German Government has provided the Legation of Switzerland with funds that it may use to assist individuals of German citizenship in the United States who desire to be repatriated. See Sec. WS 10-50 for citizenship limitations.

The Legation has requested the F.S.S.B. to arrange with the SDSW with respect to enemy aliens affected by restrictive action of the Federal Government to investigate such cases involving German citizens, determine the amount of assistance to be given, and notify the nearest consul of Switzerland of this decision. The Legation of Switzerland has instructed its consuls to make assistance payments as recommended by the county welfare departments provided German citizenship is verified (through the alien registration number and complementary documents, such as passport or papers of origin) and when certain other essential data are supplied and provided further that the German national desires assistance from the German government.

The Department of State has requested that all mention of repatriation be omitted by county welfare departments, when discussing the possibility of assistance with German nationals. The public assistance worker should discuss assistance in terms of the source from which it is available. Only those German citizens who in a preliminary discussion with the county welfare department have indicated a preference to receive assistance from the German Government, will be referred to the Swiss Consul who will further clarify the limitation of eligibility for assistance on the basis of repatriation. Those who choose to receive assistance from Federal funds need not be referred to the Swiss Consul. Investigation by the county welfare department should continue irrespective of the source of assistance as grants from either source are based on its recommendation. Emergency assistance is granted on the same basis as in other enemy alien program cases.

Such cases may come to the attention of the Swiss Consul or the welfare agencies directly. If they come to the attention of the Swiss Consul he will refer the matter to the proper county welfare department with a request that an investigation be made. The county welfare department will then investigate the request for assistance and send a summary of that investigation together with a recommendation for the amount of financial assistance on a monthly basis to the Consulate of Switzerland at 100 Bush Street, San Francisco. The report should consist of two copies of a narrative summary (see Sec. WS 10-95), two copies of the Social Data Card (see Sec. WS 42-00), and two copies of Request for Assistance Payment (see Sec. WS 31-40). Included in the narrative should be the basis upon which the assistance grant has been computed.



## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

## REVISION RECORD

Revisions issued in changing this Chapter will be numbered in sequence. Changes made will be indicated by a vertical line in the margin of the corrected page, against the line or lines changed.

IT IS IMPORTANT that the holder of this Handbook check the numbers below, corresponding with the numbers of the revisions when the latter have been incorporated in the Handbook and the old pages removed, and that the State Department of Social Welfare be promptly notified in the event a number is passed without receipt of the corresponding numbered sheet.

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## Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR  
Sacramento

April 26, 1943

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Honorable Frank M. Jordan  
Secretary of State  
Room 109, State Capitol  
Sacramento, California

IN REPLY PLEASE REFER  
TO:

Dear Mr. Jordan:

Attached hereto are three copies of regulation,  
currently effective, made by the State Department  
of Social Welfare.

This regulation is filed in accordance with  
Article 21 of Chapter 3 of Title 1 of Part 3 of  
the Political Code as amended by Chapter 628,  
Statutes of 1941.

Very sincerely yours,

*Martina A. Chickering*

MARTHA A. CHICKERING, Director  
Department of Social Welfare

Attachments  
172:786

1943 MAY 4 PM 3 01

FILED  
in the office of the Secretary of State  
of the State of California  
MAY 3 - 1943  
FRANK M. JORDAN, Secretary of State  
By *Chas. J. Knight* Deputy



Attach.



Robert W. Kenny  
Attorney General

Collections  
Duty of Co.  
Sec. 2222

STATE OF CALIFORNIA  
Legal Department

San Francisco, January 22, 1943

Department of Social Welfare  
Sacramento, California

Attention: Miss Martha A. Chickering,  
Director

Gentlemen:

This is in reply to your letter presenting the following question:

"Is there a general obligation upon a recipient of aged, blind or children's aid to repay aid paid to him to which he was not actually entitled under the law but which was paid under a mistake of fact?"

You cite the following two examples as illustrations of the problems occasioning your question:

"A blind aid recipient believes himself to have sufficient State residence to qualify for aid. Aid is paid him for the period of one year. At the end of the year, it is discovered that the recipient has not at any time had the requisite State residence, although recipient believed himself eligible. This recipient has personal and real property (within the limits permitted by the Code), out of which restitution could be made.

"A child aid case appears in which there is outside income of a given amount during the month. Although being totally without fraudulent intent, the payee of the child aid grant does not report the outside income to the county. The income is equal only to a portion of the grant for the month. The county discovers the outside income four or five months later. The payee or the children have personal or real property (within the limits permitted by the code) out of which restitution could be made in an amount equal to the outside income received but not reported."

Your question and examples present cases in which aid was paid by the county and accepted by recipients of aged, needy blind or needy children's aid when the recipients were ineligible for aid but the ineligibility was unknown to the recipients.

Under Section 2007 of the Welfare and Institutions Code a person who, knowing that he is not eligible for Old Age Security, obtains, or attempts to obtain aid to which he is not entitled, or a larger sum than that to which he is legally entitled, is guilty of a misdemeanor. This section contemplates an intent to wrongfully obtain Old Age Security and applies only where there is knowledge and appreciation of the fact of ineligibility.

Section 2222, referring to Old Age Security, reads as follows:

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"If, at any time during the continuance of aid, the recipient thereof or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount allowed under the provisions of this chapter, the recipient shall immediately notify the board of supervisors of the receipt and possession of such property or income. The board may, on inquiry and with the approval of the State Department of Social Welfare, either cancel the aid or vary the amount thereof in accordance with circumstances. Any excess aid theretofore paid shall be returned, in equal proportions to the State and the county participating in the granting of such aid and shall be recoverable as a debt due proportionately to the State and such county."

Section 2223 reads:

"If, on the death of a recipient of aid under this chapter, it is found that he was possessed of property or income in excess of the amount allowed under the provisions of this chapter and that he has not disclosed the same to the board of supervisors, double the amount of the aid paid him in excess of that to which he was legally entitled may be recovered by the Department of Social Welfare as a preferred claim from his estate and upon recovery shall be repaid to the county, to the State, and to the United States Government in accordance with the provisions of Section 2024."

The latter two sections are the only sections of the Welfare and Institutions Code that specifically provide for the return to the State and counties of aid extended. Sections 2222 and 2223 contemplate recovery only where recipients knew of their ineligibility due to excess property or income.

The only provision in the Welfare and Institutions Code specifically providing for the return of needy children's aid wrongfully granted is contained in Section 1506. This section reads as follows:

"Whenever any person has, by means of false statement or representation or by impersonation or other fraudulent device, obtained aid for a child not in fact entitled thereto, the person obtaining such aid shall make restitution and all actions necessary to secure restitution may be brought against him."

Section 3006 of the Code provides for reimbursement of needy blind aid paid to a recipient in the following manner:

"Any person who, in order to secure for himself or another the aid provided in this chapter, makes a false statement under oath, shall be deemed guilty of perjury. Whenever any person has, by means of false statement or representation or by impersonation or other fraudulent device obtained aid under this chapter, he shall make restitution and all actions necessary to secure restitution may be brought against him."

Section 3045, relating to aid to the partially self-supporting blind, reads similar to Section 3006 quoted above.

The foregoing sections as applied to the various forms of aid, in our opinion, are concerned only with cases where the recipients knew of their



ineligibility, and aid was granted to them because of some failure on their part to disclose to the proper authorities the facts which would have warranted the authority administering aid in the particular case to have denied aid to the recipient.

In your question, however, you particularly refer to cases where the recipients acted in good faith, made a full disclosure of the facts as they knew them and were without any fraudulent intent. Generally, under the common law, independent of any specific provision therefor, recovery may be had of money paid to another under a mistake of fact. When an individual receives money from another which was paid to him under a mistake of fact, the person paying the money is able to maintain an action for money had and received. It is our opinion, however, that the common law rule just referred to does not apply in the case of aid granted to the needy aged, needy blind or dependent children. The legislature has entrusted the administration of the public assistance laws to the boards of supervisors of the several counties, subject to the supervision and control of the State Welfare Department. Applicants for aid apply in the first instance to the board of supervisors - this body considers the facts and acts upon the application. If the applicant is dissatisfied, he is entitled to a hearing upon his application before the Social Welfare Board. The determination of this latter board is binding upon the board of supervisors, and the award of either the State Welfare Board or the board of supervisors is a first lien on any unexpended funds in the county treasury. The award is not paid by either the State Welfare Board or the board of supervisors. It is paid by the county treasurer. The authority of the county treasurer does not rest upon any fact disclosed or representation made either to the board of supervisors or the State Welfare Board. The only authority upon which the county treasurer may act is the determination of the board of supervisors or the State Welfare Board.

It will thus be seen that the problems presented by your question are not the problems ordinarily presented for the payment of money under a mistake of fact. The payments in question were made after an investigation of the facts by a board or agency to which the legislature delegated this very function. All parties to the proceeding acted in good faith and accepted the action of the Board and the money was paid to the applicant under authority of the law which made the final action of the board of supervisors or the State Welfare Department a lien upon the county treasury.

Here, we are concerned with money paid by the county treasurer, not because of any mistake on his part but pursuant to an order of a board or tribunal to which the legislature has given jurisdiction to find and determine the facts.

When an agency, board or tribunal is authorized by statute to decide and pay claims of a particular character and when, acting within the limits of the authority conferred, it makes such a decision and orders payment accordingly, the payment though based upon an erroneous conclusion cannot be said to be unauthorized or in violation of law. The distinction is well treated in

State v. Young,  
134 Iowa 505,  
110 N.W. 292,

where the Court passed upon the conclusiveness of a determination by the secretary of state that a certain printing for which payment had been made had been done in compliance with the law. The Court there stated:

"In other words, he [the Secretary of State] is to examine into the facts, and to determine from such investigation whether the items have been earned. To this extent his decision must be regarded as conclusive. Having the power to act, he has jurisdiction to decide, and if he decide wrongly, and error was committed in doing so, he did not usurp an unconferred jurisdiction. In other words, the authority to determine in no wise depends on the nature of the decision to be rendered. The power to decide necessarily carries with it the power to decide wrong, as well as right. \*\*\*The determination, even though erroneous, ought not to be assailed for want of jurisdiction. \*\*\*The principle is well established that, if a matter in which a question is involved is given over to an officer for his determination, his decision is final. See Wymans, Adm. Law, sec. 116; Foster v. U. S., 32 Ct. of Cl., 170; Litchfield v. Register & Receiver, 9 Wall. 575, 19 L. Ed. 681; U.S. v. Com., 5 Wall. 563, 18 L. Ed. 692; Cary v. Curtis, 3 How. 263, 11 L. Ed. 576." (Emphasis ours.)

The holding in the Young case was referred to by the Court in Carbon County v. Draper, 276 Pac. 667 (Mont. 1929). The Court there held that the action of the board of county commissioners in examining, settling and allowing claims in the absence of fraud is conclusive.

It has been held by a long line of unbroken authority in this State that the action of a county board of supervisors on the payment of claims within its jurisdiction is final.

"The allowance and settlement of the claim by the board of supervisors is an adjudication, by a tribunal having jurisdiction of the matter, that the services have been rendered, and of the correctness of their value, and is conclusive."

Lamberson v. Jefferds, 118 Cal. 363;

County of Santa Cruz v. McPherson, 133 Cal. 282.

That payments made pursuant to decision of the agency may not be recovered is a necessary corollary to the final character of the decision made by the agency when acting within its jurisdiction to consider and decide. The conclusiveness of such decisions, generally, has been repeatedly stated, as in the following quotation from Belcher v. Linn, 65 U.S. 508, at p. 522 (1860):

\*\*\*\*The exercise of these powers involves knowledge, judgment, and discretion. We hold, as was held in that case, that when power or jurisdiction is delegated to any public officer or tribunal over a subject matter, and its exercise is confided to his or their discretion, the acts so done are in general binding and valid as to the subject matter. The only questions which can arise between an individual and the public, or any person, denying their validity, are power in the officer and fraud in the party. All other questions are settled by the decision made or the act done by the tribunal or officer, whether executive, legislative, judicial, or special unless an appeal or other revision is provided for by some appellate or supervisory tribunal prescribed by law. U. S. v. Arredondo, 6 Pet. 691; Rankin v. Hoyt, 4 How. 327; Stairs v. Peaslee, 18 How. 524."



If we grant, as I think we must, that the board of supervisors and the Social Welfare Department has a continuing duty to investigate and process the claims of those who are receiving grants of public assistance (because the statute specifically so provides), and from time to time as the facts may warrant alter or modify such grants, such action cannot have a retroactive effect. Such was the ruling of the United States Supreme Court in the case of the Arizona Grocery v. Atchison Ry., 284 U.S. 370, at page 390:

"Where the Commission has, upon complaint and after hearing, declared what is the maximum reasonable rate to be charged by a carrier, it may not at a later time, and upon the same or additional evidence as to the fact situation existing when its previous order was promulgated, by declaring its own finding as to reasonableness erroneous, subject a carrier which conformed thereto to the payment of reparation measured by what the Commission now holds it should have decided in the earlier proceeding to have been a reasonable rate."

In deciding claims for public assistance the board of supervisors and the State Welfare Department are administrative agencies, clearly exercising authority, properly delegated to them by the legislature, and though they may decide wrongly on issues properly before them, they are not acting beyond the scope of their authority merely because there are not facts before them which might have caused them to reach a different conclusion or because their judgment as to these facts is faulty and imperfect.

Finally, we are not without definite authority on this subject in this State. The Supreme Court of this State, in the case of County of Alameda v. Janssen, 16 Cal. (2d) 276, at page 283, stated:

"In the absence of a special statute no liability rests upon an aged person to reimburse the state and county for aid legitimately obtained and granted. (Emphasis ours.)

Of course the use of the adjective "legitimately" by the Court cannot be construed so as to exclude from the rule announced aid received by reason of an honest mistake made in the course of an administrative proceeding.

In your question you particularly refer to cases where the recipients and the tribunals involved acted in good faith and without any fraudulent intent. You also indicate that no material facts were withheld from the Department which has the duty of investigating these matters before the assistance is granted. This being true, the recipients and the county treasurer, who made the payment, would have the right to rely upon the investigation made and the conclusions as to the eligibility of the applicant for the assistance ordered paid to him. It is our opinion that the State and county have no right to demand reimbursement for money disbursed under the circumstances where the agencies' findings of eligibility were based upon a fair disclosure by the applicants as the Departments are equally as responsible as the applicants for the erroneous conclusions reached.

Your second question reads:

"Is it a proper adjustment of an excess personal property case in which collection is due merely to collect the difference between the excess personal property held by the recipient and the maximum amount permitted recipients under the law (i.e., \$500)?"

In the absence of fraud or concealment of assets upon the part of the recipients, we believe it would be proper that only the excess of the personal property should be returned but in the case of fraud or a concealment of assets, the recipient should return the entire amount paid. Under the latter circumstances the recipient could not claim the benefit of the language of the Court in County of Alameda v. Janssen, above quoted, because the aid would not have been "legitimately obtained and granted."

Very truly yours,

ROBERT W. KENNY, Attorney General,

By /s/ C. A. Linn  
Clarence A. Linn,  
Deputy Attorney General

CAL:T

6-NS4473



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Earl Warren  
Governor

STATE OF CALIFORNIA

## Department of Social Welfare

MISS MARTHA A. CHICKERING  
DIRECTOR

May 7, 1943

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Hon. Frank M. Jordan  
Secretary of State  
Room 109, State Capitol  
Sacramento, California

IN REPLY PLEASE REFER  
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very Sincerely yours,

*Martha A. Chickering*

MARTHA A. CHICKERING, Director  
Department of Social Welfare

52: 219  
Encls.

FILED

In the office of the Secretary of State  
of the State of California

MAY 8 - 1943

FRANK M. JORDAN, Secretary of State

By *Chris Gray*  
Dep

FOR VICTORY



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GOVERNOR

STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING  
DIRECTOR

Sacramento  
April 29, 1943

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1297

MANUAL LETTER NO. 35

You receive herewith Welfare Personnel Chapter, Revision 29, Real Property Chapter, Revisions 42, 43, and 44, Personal Property Chapter Revisions 14 through 22, Financial Procedures Chapter, Revisions 4 through 9, a revised Table of Contents and Introduction, a Preface, and additional material for Continuing Services Chapter. The Preface was prepared by Mr. Archibald B. Young, Chairman of the Social Welfare Board. This material is to be entered in your copy of the Manual of Policies and Procedures, and the revision numbers cancelled on the separators for the revised chapters.

These revisions and the Preface were adopted by the SSWB on March 24, 1943. The material for Continuing Services Chapter was adopted by the SSWB on February 24, 1943. All revisions become effective immediately. All actions by boards of supervisors on Applications and Notices of Change 90 days or later from the date of issuance of these revisions shall be in accord with them.

Your attention is directed particularly to the following:

**SEC. 074-15** regarding extension of provisional appointments has had the word "twelve" changed to "six" to conform with Social Security Board requirements.

**SEC. 361-25** covering retroactive aid payments by counties is an addition to the chapter on Continuing Services. Reference is made to Sec. 361-30, Suspension Procedure, a new section to be released shortly.

**SEC. 361-35** provides for action by board of supervisors on changes in amount of grant during suspension of aid.

**SECS. 131-05, 132-30, 132-52, 141-00, 141-05, and 144-10** have been revised due to a new interpretation on undistributed estates contained in AGO NS4769, dated 3/11/43.

**SEC. 142-10** has had material added for clarity.

**SEC. 143-75** has been changed to clearly distinguish between the fees for passenger cars and fees for trucks. "Tax" has been changed to "Vehicle License Fee" for clarity.



SEC. 143-82 is the former Sec. 143-86 with changes for clarity. ANC participates in this section for the first time. Unpaid interest on a loan may now be considered in determining net cash surrender value. This section has been given a new number in order to place this information in the proper place in the Manual, preceding the calculations described in Sec. 143-83.

SEC. 143-83 has been changed to include new policy adopted as a result of AGO NS 4609, dated 1/4/43, and AGO NS 4737, dated 2/19/43.

SECS. 143-87 and 143-88. ANC participates in these sections for the first time.

SECS. 627-20, 627-40, 627-45, 627-50, 627-60, 627-70, and 627-85 have been changed due to State Supreme Court Decision No. 18249, dated 8/4/42.

Statements contained in the manual take precedence over same material previously released in bulletins.

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## FOREWORD

Public welfare legislation in California is the democratic expression of the people to provide for those within their midst who are in need. The goal of this expression is the realization, by every citizen, of his greatest potentialities. The morale and self-respect of the individual members are as important as their physical existence. Therefore, the success of a democracy is measured by the welfare of its individual citizens.

The public welfare program in this State is an inseparable unity of state and county endeavor. Our mutual purpose is to provide for the relief and care of needy persons. While meeting the widest possible range of social needs we must, at the same time, recognize our responsibility to the community which has, through legislation, made the program possible.

To achieve this goal, it is necessary to have accurate and reliable investigation and interpretation. This should grow out of uniformly efficient organizations whose common concern is the welfare of those they serve. Of equal importance is a respect for and understanding of human conduct. This understanding, without exception, is dependent upon a conscientious analysis of conditions, circumstances and personal variations.

This Manual is intended to facilitate the highest type of service for the welfare of all the people of the State of California.

MARTHA A. CHICKERING, *Director*

*State Department of Social Welfare*  
*January 1, 1941*

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In 1941 an additional function was added to the duties of the SDSW which had theretofore been the responsibility of another Department of State Government. This was Commodity Distribution, and the Stamp Plan, under the Federal Department of Agriculture, and the sponsorship of projects under the Federal Work Projects Administration. These functions were of a kindred nature, and were therefore capable of incorporation in a single additional line operation of the SDSW, which was thereupon organized into such an operation with organization similar to that of the other two.

The operation of the SDSW thereby became one of the simplest form, commensurate with the highest degree of efficiency and coupled with a singleness of purpose for the desired objectives.

Briefly, the organization consists of an Administrative Board, responsible for all functions and operations of the SDSW: A Director, through whom the SSWB acts, appointed by the SSWB and holding office subject to the pleasure of the SSWB; a small number of Chiefs of operation, and Administrative Assistants, responsible to the Director either for the lines of operation enumerated above, or for the activities of the specialists in their various lines, except Finance. Added to the above are the Area and District Supervisors and the personnel necessary for all operations, always of course within the budgets or appropriations made available to the SDSW for its support. The specialists are responsible for devoting their time to knowing, thinking, and planning functions, and are authorities so far as the SDSW is concerned in their various fields, or are charged with service operations to the main operations of the SDSW, or the subdivisions of the State which are supervised. Such an operation is that of the Merit System, required under the State law and the Federal Social Security Act.

This organization was built upon the theory that the categorical aids and other services of the SDSW will continue upon a supervised basis, and that the referring to the proper authority of the results of investigations and examination of those persons and organizations with which the SDSW is charged by law will remain the functions of the SDSW.

ARCHIBALD B. YOUNG,  
*Chairman, State Social Welfare Board*



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## PREFACE

The SDSW has grown from under fifty employees prior to 1937 to more than five hundred employees at the present time. Its responsibility for the care of individuals and families has increased from a few thousand to nearly two hundred thousand of the Aged, the Blind, and the Dependent Children, and a like increase percentage-wise in the expenditure of Federal, State, and County moneys for the care of these individuals and families.

While in its early existence it may have sufficed to have one person do all or practically all of each diversified part of the operation, this has of necessity given way to coordination and a unified whole. There were prior to 1937 within the SDSW thirteen Division or other heads serving immediately under and reporting to the Director. Such an organization could not have efficiently expanded to meet the growth referred to above. Prior to 1937 also the SDSW and Director were appointed at the time of any change in administration, and there was therefore a lack of continuity in the operations of the SDSW. In that year the Legislature passed an Act which received the Governor's signature and became law providing for the appointment of the SSWB, consisting of seven members who should be appointed for staggered terms thus assuring a continuity in the policies of the SDSW, and providing further that the Board should be an Administrative Board, thereby minimizing the effect of political considerations within the SDSW administration.

All of this gave the opportunity to establish the SDSW upon a continuing, sound, and non-political basis with the possibility of a maximum of efficiency in the operation of the SDSW, to assure the carrying out of its functions in accordance with the provisions of the law under the W&IC, State of California, and the Social Security Act of the Federal Government. This, under the provisions of the Civil Service Act, and the Social Security Act has been put into effect by the SSWB by determining the functions of the SDSW, and providing an organizational pattern to effect these functions.

The directing authority having been placed in the SSWB, both the formation of policy within the above Acts and the carrying of it into operation are centered in this directing authority carried out through a Director appointed by and responsible to, and holding office at the pleasure of the SSWB.

The primary functions of the SDSW are the welfare function of supervising the granting of public assistance to those made eligible to such assistance by law, in accordance with the standards, and rules and regulations adopted by the SSWB, and the financial function of supervising and operating the fiscal and financial operations of the SDSW within the laws, both State and Federal, and the budgetary allotments for the SDSW.

Good organization, therefore, dictated a line of operation through supervision of the operations of County governments since that was the plan provided by the law for giving of public assistance, and services to those designated by law as the recipients of such aid, and a line of operation covering the forwarding of State and Federal moneys to cover such aid as was granted in accordance with law, and further to cover the accounting, auditing, and other financial operations, both in the SDSW itself, and in the County governments connected with the SDSW operations. Each of these functions and line of operations required the use of specialists for the development of policies and methods of operations.

In the financial operation these specialists are provided by law in the State Department of Finance, which is charged with the responsibility of developing policies and expert advice in the departmental finance operations. In the welfare operation specialists are provided by the SDSW to develop policies for presentation to the SSWB, and for expert advice on the technical operations of this function.

The Division of Financial Administration of the SDSW is in charge of a Chief of that Division responsible to the Director, and through the Director to the SSWB, and responsibility for the various operations under that Division are delegated by the Chief of the Division to Bureaus within the Division. The operations of the Welfare activities of the SDSW are delegated by the Director to the Supervisor of Field operations who acts as the Chief of the Division of Field Service. For the operation of this Division the State is divided into areas, in which there are Area Supervisors appointed by the Chief of the Division with SSWB approval who are responsible to the Chief who is in turn responsible to the Director of the SDSW.

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numbers varies in different parts of the Manual, depending upon the length of the material and the apparent necessity for expansion.

At the bottom of each page, one of the following notations will appear:

1. "Issued" and the date—used when material is being presented for the first time.
2. "Revised" and the date—used when that page or part of the material appearing on the page already issued is being revised.
3. "Reissued" and the date—used when a complete chapter, e.g., residence, is being reissued.

When a page is noted "Issued," it is to be placed in the Manual in its proper numerical order. For example: Section 124-16 would be placed in the Manual immediately after Section 124-15.

When a page is noted as "Revised," the page in the Manual bearing the same code number is removed and the revised page entered in its place. Material that has been revised will be indicated by a vertical line in the margin of the corrected page against the line or lines which have been revised. This will allow you to locate the revised material in an easy manner.

Each revision will be numbered in sequence as released. It is important that the holder of this Manual check the corresponding numbered revisions, as received, on the revision record for each chapter. The SDSW should be notified in the event a revision number is passed without receipt of the corresponding numbered sheet. Changes which have been made in a section marked "Reissued" will not be indicated with this vertical line, as the reissuance of the entire section is an indication that the chapter has been reprinted.

#### **Relation of the Manual to Bulletins, Circular Letters, Publications, etc.**

Material formerly issued in bulletin form will now come out as revisions to the Manual. The only additional publications not included in this Manual will be Circular Letters and informatory publications. The latter include such publications as Public Assistance in California, Probation News, News Bulletin, California Children, and other studies or reports in a specific field which are not intended as instructions or procedure, the element which characterizes the material presented in this Manual. Circular Letters will be issued giving information or instructions covering situations which are of such a temporary nature that a Manual revision would not be warranted. Most Circular Letters may be destroyed after they have served their purpose, since any information of a permanent nature will be included in the Manual.

Attorney General's Opinions will continue to be distributed as in the past.

This Manual is intended primarily for county use and the number of copies that are made available is dependent upon the requirements in each county. However, some thought should be given to the responsibility for the maintenance of the copies used in each county. It should be pointed out that revised material and material no longer pertinent should be entered or removed from the Manual as soon as this information is received. Otherwise, much of the value of the Manual will be lost.

#### **Public Use of the Manual**

One copy of the Manual is to be kept current in the principal office of each county welfare department for the use of the general public. It shall be labeled "For Public Use."



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# INTRODUCTION

## **Purpose and Use of the Manual**

This Manual is presented to the counties for their use. It is our belief that a Manual for use by county workers is the next step in the development of County and State services in the field of public welfare. Up to this time, the State Department of Social Welfare has relied on Bulletins and Circular Letters covering policies, rules, regulations, and procedures affecting county programs. Such information is now to be replaced by a Manual to be revised as the need arises. Material to be included in the Manual will be released to counties as completed.

It is not intended that this Manual will in any way take the place of the Welfare and Institutions Code, but rather present rules and regulations and information that will implement administration of the law. Therefore, it is very important that the worker be thoroughly familiar with the laws covering each program. In addition, we have set forth the rules and regulations of the State Department of Social Welfare, information from the Code of Civil Procedure, Civil Code, Probate Code, and other sources that are helpful in the administration of the Welfare and Institutions Code.

Use of this Manual will be facilitated by understanding the purpose underlying organization of the material. In many counties and in the law itself, the approach to administration is on a categorical basis. Basically, however, the State Department of Social Welfare and county welfare departments are established for the residents of California in need of assistance offered under the Welfare and Institutions Code. All such assistance has certain common aspects of eligibility. Problems that arise from responsibility of relatives, residence, property, income, et cetera, are essentially the same for all programs although specific requirements vary slightly among these categories of aid.

Because of this common base, the Manual has been organized on a unified basis unless the program has a procedure which is at variance with the other programs. This integrated presentation has eliminated the necessity of repeating many concepts common to all public assistance. This arrangement will be valuable to workers handling more than one program and will also help to focus attention on the common goals of the Public Assistance program.

## **Methods of Identification**

The table of contents in the front indicates the main topics and subtopics of the Manual.

The numbering system is comparable to the "Dewey Decimal System" with a group of numbers assigned by subject or process; e.g., residence—Sec. 120 through 129 is assigned to residence, Section 124 of the residence section has been assigned to the general topic of absence from the county (recipient), then Section 124-15 carries the title, "Absence of the Recipient for Educational Purposes." With the use of this system, there is no limit to the extent to which a detail of a subject may be expanded and designated.

The pages are indicated by section numbers on the outside corner of each sheet. The left-hand page (verso) is inscribed with the number of the section which begins thereon. The opposing, or right-hand page (recto) has the number of the section which appears last on that page.

In the margin of each page is indicated the section number of each unit which begins thereon. Identification of the assistance program or programs (OAS, ANB, APSB, ANC) to which a particular section applies, appears immediately under the section title.

A Manual of this type must be indexed and numbered for easy reference. The index is arranged alphabetically by subject, plus one or more cross references by titles most commonly used.

## **Method of Placing Revisions and New Material in the Manual**

If this Manual were made up of static material which would never require revision or additions, the volume could be bound and the pages numbered consecutively, but a Manual of this type must have a flexibility which makes revision and addition of material a simple matter. For identification, pages of the Manual have section numbers on the top of each sheet, as mentioned in the preceding paragraphs. The spread between section

**074-15 Sec. 074-15 Provisional Appointments****WPS**

If, in opinion of appointing authority, there are urgent reasons for filling a position and there are no eligibles on any appropriate employment list, appointing authority may submit to SDSW name of person to fill the position pending examination and establishment of an eligible list. If such person's qualifications have been certified by examining agency as meeting minimum requirements as to training and experience for the position, such person may be provisionally appointed to fill existing vacancy only until an appropriate eligible list is established and appointment made therefrom. No provisional appointment shall be made until the position has been classified and minimum qualifications established therefor, in accordance with these rules. No provisional appointment shall be continued for more than ninety (90) days after an appropriate eligible list has been established for the class of position and in no event for more than six (6) months from date of appointment; except that when a provisional employee has filed a relevant examination appeal which is granted a hearing by the SSWB, his appointment may continue during the pendency of such appeal in accordance with the provisions of the rules governing provisional appointments. Successive provisional appointments of same person shall not be permitted and a position shall not be filled by repeated provisional appointments.

The period of provisional appointment shall not constitute a part of the probationary period except as provided in Sec. 074-50, Probationary Period. Employees not covered by Sec. 074-10, Employees Appointed Prior to Adoption of These Rules, and all appointments made subsequent to the adoption of these rules but prior to the holding of examinations, shall be regarded as provisional employees.

For the duration of the war emergency, provisional appointments may be extended at the end of the six months' period with the approval of the Department, and successive provisional appointments of the same individual to different positions and successive provisional appointments to the same position may be made in exceptional circumstances subject to the following conditions:

- (1) That an examination has been publicly announced or will be announced by the examining agency prior to a date not exceeding six months after the beginning date of each provisional appointment, or that if after an examination has been announced the examining agency has found that a sufficient number of applicants has not filed to assure adequate competition.
- (2) That in the absence of a definite examination date, provision shall be made to accept continuous receipt of applications for an examination for a given class as outlined in Sec. 071-80, Filing Applications, and the examination is to be held whenever the examining agency, with the concurrence of the Board, finds that enough applicants have filed to assure adequate competition.
- (3) That, where there is an established eligible list for a given classification but there are no immediately available eligibles for appointment, the Department may approve the extension of a provisional appointment in accordance with the provisions outlined under (1) and (2).

**074-30 Sec. 074-30 Emergency Appointments****WPS**

Whenever an emergency exists which requires the immediate services of one or more persons and it is not possible to secure such persons from appropriate eligible lists, appointing authority may appoint a person or persons without regard to other provisions of these rules governing appointments. In no case, however, shall an emergency appointment continue for a longer period than ninety (90) days in any twelve-month period unless approved by SSWB. Each emergency appointment shall, when appointment is made, be reported in writing to SDSW by appointing authority.

**074-35 Sec. 074-35 Limited Term Appointments****WPS**

If an employee is needed for a temporary period, a certification shall be made by the examining agency of names of those eligibles, in the order of their places on an appropriate employment list, who have indicated willingness to accept limited term employment.

Certification shall be made in manner set forth in Sec. 073-60, Certification of Names. Appointments shall be made in same manner as prescribed in this rule for probationary appointments. Duration of a limited term appointment shall be limited to a period not to exceed one day less than probationary period. Acceptance or refusal of an appointment shall not affect an eligible's standing on an eligible list or his eligibility for a probationary appointment, and the period of temporary service shall not constitute a part of a probationary period. Successive limited term appointments to same position shall not be made nor shall an employee receive continued limited term appointments.



**Sec. 073-75 Acceptable Conditions of Employment**

073-75

**WPS**

Examining agency shall ascertain from each eligible the salary, tenure, location, and other pertinent conditions of employment under which eligible will accept appointment, and such statement of acceptable conditions of employment by eligible shall constitute an automatic waiver of certification to positions having less acceptable conditions of employment. Conditions of employment acceptable to an eligible may at any time be changed at his written request, but in such event he shall not be entitled to consideration for appointment to any position for which certifications have already been forwarded to appointing authority, unless an eligible previously certified should subsequently waive.

**Sec. 073-80 Waiver of Appointment**

073-80

**WPS**

An eligible may, for a reason satisfactory to SDSW, waive appointment after certification, but after three such waivers of permanent appointment to positions in any given class, his name shall be removed from the employment list for that class, and he shall not be eligible for further certification from that list. In extraordinary cases where waivers are caused by circumstances beyond control of the eligible, SDSW may restore the eligible to the list on a satisfactory explanation to SDSW of reasons for waiver.

**Sec. 073-90 Voluntary Withdrawal From Active List**

073-90

**WPS**

An eligible may at any time have his name temporarily withdrawn from employment list and placed upon inactive list on giving in writing reasons satisfactory to SDSW, and his name may be restored to employment list at discretion of SDSW upon written application of eligible during period of his eligibility.

**Sec. 074-00 Original Appointments**

074-00

**WPS**

All appointments to positions in the county agencies exclusive of exempt positions shall be made in accordance with this rule. Selection shall be made for each position from the three highest available names on the certificate submitted in accordance with provisions of Sec. 073-60, Certification of Names.

In selecting persons from among those certified, appointing authority shall be permitted to examine their applications and reports of investigations and to interview them. Final selection shall be reported in writing by SDSW to examining agency.

If eligible selected declines appointment, evidence of declination and other such data shall be transmitted to examining agency for permanent record.

Before appointment eligible may be required to pass a satisfactory physical examination.

**Sec. 074-10 Employees Appointed Prior to Date of Adoption of These Rules**

074-10

**WPS**

An employee who is certified by the agency as having given satisfactory service on or before December 31, 1939, may be admitted to the examination for the position held by him as of that date, without regard to minimum qualifications of training and experience. Upon certification of examining agency that he has qualified in the examination held in accordance with the provisions of Sec. 071-55, Types of Examinations, he may be appointed as a permanent employee. Permanent status of such an employee shall date from certification of examining agency that he has qualified in the examination.

An employee, certified in accordance with paragraph 1 of this section as having given satisfactory service, who has been transferred or promoted to another position subsequent to December 31, 1939, but prior to the examination for the position currently held, shall be required to submit adequate evidence to SDSW that he possesses required ability and fitness to perform duties of the position in order to be admitted to the examination for that position. Such an employee may, on certification of examining agency that he has qualified in examination for that position, be retained as a permanent employee. Permanent status of such an employee shall date one year from date of appointment to the position after certification by the examining agency that he has qualified in examination. An employee, transferred or promoted as described above, who fails to qualify in the examination for the position currently held by him may, on certification of examining agency that he has qualified in the examination for the position held by him on December 31, 1939, be retained in that position provided there is a vacancy in the class.

An employee who fails to qualify in the examination for either of the positions referred to in paragraphs 1 and 2 of this section shall be removed from his position within ninety (90) days after establishment of a list of eligibles for such position or positions.

**131-10 Sec. 131-10 Ownership of Separate and Community Real Property** W&IC SECS. 103.5; 1520; 1560; 2141; 2165; 2165A  
OAS; ANC

The OAS Law does not require differentiation of separate and community real property as all real property owned by either husband or wife, or both, is considered. (For exception see Sec. 131-20, Ownership of Real Property Outside State by Separated Spouse.) If there is income from property, the fact that it is separate or community property shall be ascertained.

The ANC Law does not require differentiation of separate and community property as combined real property of the parent or parents and child or children is considered. However, such differentiation may be necessary when one spouse is a parent and the other a step-parent of child for whom aid is granted, as the step-parent's share of community property or his separate property is not considered in determining eligibility of the child.

**131-12 Sec. 131-12 Ownership of Separate and Community Real Property** CIV. CODE SECS. 161A; 162; 163; 164; 687;  
W&IC SECS. 103.6; 3047; 3447; 3460.  
ANB; APSB

Determination of the status of all real property as separate or community is necessary in ANB and APSB. Only the separate property of applicant and his share of community property is considered in determining eligibility. All property which an applicant and his spouse hold is presumed to be community property unless applicant can give satisfactory evidence to the contrary.

Responsibility rests with applicant to present proof or supply information which will enable the county to determine the status of property. The fact that property is assessed or recorded in one name only does not necessarily indicate that the property is separate property.

Where community property is involved in ANB or APSB, the interest of each spouse is considered as half the county assessed value of the property.

**131-15 Sec. 131-15 Ownership of Combined and Community Real Property** CIV. CODE SECS. 90; 132; C. CIV. PROC. SEC. 473;  
W&IC SECS. 103.5; 103.6; 1520; 1560; 2141; 2165; 3047; 3075; 3447; 3460  
OAS; ANB; APSB; ANC

The county assessed value of the property holdings of a separated spouse shall be verified. Even though a husband and wife may have been living separate and apart, in the absence of a final decree of divorce the status of their community property or, in OAS and ANC, combined community and separate property is unchanged and county assessed valuation of all property remains a consideration in determining eligibility according to the respective category of aid. If a legal property settlement has been made but no actual divorce has occurred, the terms of the property settlement determine the status of the property. In OAS and ANC, such property is still considered as part of the combined (community and separate) real property of a couple. (For exception to above in OAS, see Sec. 131-20, Ownership of Real Property Outside State by Separated Spouse.)



**Sec. 130-25 Real Property vs. Personal Property** CIV. CODE SEC. 657  
OAS; ANB; APSB; ANC

130-25

In considering eligibility from the point of view of property, the county must first determine whether property is real or personal. The general distinction has been made that real property is immovable while personal property is movable.

**Sec. 131-00 Determination of Ownership of Real Property** CIV. CODE SECS. 678-687, INC.  
OAS; ANB; APSB; ANC W&IC SECS. 103.5; 103.6; 1520; 1560; 2141; 2165; 3047; 3075; 3447; 3460; 2140; 2164

131-00

Ownership of real property must be verified in order to establish that property holdings are within the limitations established in the code for the particular category of aid.

Ownership of property is revealed by a search of current property rolls. (See Sec. 135-40, Real Property Search.) There will be occasions in which search of property rolls will indicate ownership of property which does not belong to the applicant. In absence of conflicting information, affidavit of applicant stating that he is not the owner of property in question is acceptable. Proof that he is not the owner is necessary in cases of conflicting information. The affidavit of an applicant regarding recent disposal of property is not in itself proof of eligibility. It is subject to verification.

**Sec. 131-05 Ownership of Real Property** W&IC SECS. 103.5; 103.6; 1520; 1560; 2141; 2163.5; 2165; 3047; 3075; 3447; 3460; 2140; 2164  
OAS; ANB; APSB; ANC

131-05

The term "owner" includes all persons who hold legal title to property. It also includes the vendor (i.e., the seller) and the vendee (i.e., the buyer) of real property under a contract of sale.

Property is considered owned if it is held:

1. Clear of all indebtedness;
2. Subject to mortgage, deed of trust, etc.
3. Subject to sale to another party under contract of sale;
4. Subject to purchase from another party under contract of sale;
5. As a homestead;
6. In a life estate contract;
7. In an undistributed estate provided the property is in fact available prior to distribution;
8. In OAS, under lease for a period of not less than ten years and used for a place of residence of the lessee.

Real property may be owned:

1. As separate property;
2. As community property;
3. In joint tenancy;
4. In tenancy in common;
5. In a partnership;
6. By a corporation.

**Sec. 131-06 Ownership of Real Property by Indians** 24 STAT. L. 388; 26 STAT. L. 799; 36 STAT. L. 855; 37 STAT. L. 678; W&IC SECS. 1520; 2165; 3047; 3447; 2164  
OAS; ANB; APSB; ANC

131-06

In considering land occupied by Indians, special care must be exercised to determine ownership of the land. The ward Indian has only an equitable interest in lands held in trust by the United States Government for him. Since title is held by the Federal Government, the property is not subject to assessment or taxation. The value of such property shall not be taken into consideration in determining the eligibility of the Indian for aid. An Indian may live on the reservation and still own land, not a part of the reservation, in his own right. All such real property shall be considered in determining eligibility.

**Sec. 131-07 Definition of Combined Real Property** W&IC SECS. 103.5; 2141; 2165; 2165A; 2164  
OAS

131-07

Combined real property includes:

1. Community property;
2. Separate property of either spouse (for exception see Sec. 131-20, Ownership of Real Property Outside State by Separated Spouse);
3. Any combination of the above.

**132-46 Sec. 132-46 Joint Tenancy or Tenancy in Common** CIV. C. SECS. 683; 685  
OAS; ANB; APSB; ANC

When property is held in joint tenancy or in tenancy in common by one or more persons, the interest of each owner is deemed to be his equal proportionate share of the total assessed value of the property.

**132-50 Sec. 132-50 Life Estate** W&IC SECS. 103.5; 103.6; 1520; 1560; 2141; 2164; 2165; 3047; 3075; 3447; 3460  
OAS; ANB; APSB; ANC

The county assessed valuation of all real property in which life estate is held, together with all other owned real property, shall be considered in determining eligibility in accordance with requirements of respective category of aid.

**132-51 Sec. 132-51 Remainderman's Interest** CIV. C. SECS. 690; 693; 694; 695; 696; 76 5; W&IC SECS. 103.5; 103.6; 1520; 1560; 2141; 2164; 2165; 3047; 3075; 3447; 3460  
OAS; ANB; APSB; ANC

The assessed valuation of real property in which a vested future interest is held shall be considered in determining eligibility of the remainderman. If the future interest is contingent, the value of the property shall not be considered in determining his eligibility.

A future interest is vested when the remainderman would have a right to the immediate possession of the property upon the ceasing of the intermediate or precedent interest such as life estate or other intermediate holding. Certain other types are considered contingent interests. It is suggested that whenever question arises as to whether the interest of the remainderman is contingent or vested it be referred to the district attorney for decision.

**132-52 Sec. 132-52 Undistributed Estates** W&IC SECS. 103.5; 103.6; 1520; 1560; 2141; 2164; 2165; 3047; 3075; 3447; 3460  
OAS; ANB; APSB; ANC

Real property in an undistributed estate shall be considered the property of the applicant or recipient only when the property is available to the applicant or recipient prior to distribution of the estate. The county assessed value of such real property shall be considered in determining eligibility.

When property is inherited during the receipt of aid and (1) is available to the recipient prior to distribution of the estate or (2) the estate is distributed, its value shall be determined, and considered together with the value of other real property holdings in accordance with the requirements of the particular category of aid. (See Secs. 144-10, Determination of Property Value of Undistributed Estates, and 145-10, Personal Property acquired by Inheritance.)

**132-54 Sec. 132-54 Real Property Bought or Sold Under Contract of Sale (Title Not Passing)**  
OAS; ANB; APSB; ANC W&IC SECS. 103.5; 103.6; 1520; 1560; 2141; 2164; 2165; 3047; 3075; 3447; 3460

When real property is sold under a contract of sale, title remaining with the seller (vendor), the assessed value of the property, regardless of the seller's equity in it, shall be considered in determining eligibility for aid.

The buyer (vendee) of real property under contract of sale is the owner of an equitable interest in such real property, and is also regarded as the owner of the property. The assessed valuation of property being purchased under contract of sale shall be considered in determining the eligibility of the buyer (vendee) for aid.

If both the seller and the buyer of property being sold under a contract of sale are applying for or receiving aid the assessed valuation of the property is considered in determining the eligibility of each.



**Sec. 132-20 Real Property Outside U. S.** W&IC SECS. 903.5; 103.6; 1520; 1560; 2141; 2164; 2165; 3047; 3075; 3447; 3460

132-20

OAS; ANB; APSB; ANC

When real property is located outside the United States, the assessed valuation shall be considered on the basis of rate of exchange in American dollars, regardless of manner by which other units of government determine the assessed value of such property. If, e.g., the Mexican Consul advised that property in Mexico was assessed at 1000 pesos and rate of exchange was 5 pesos to 1 dollar, the assessed value of the property would be \$200.

To obtain information regarding real property located outside the United States, various sources are used. When no language barrier exists, the county may correspond with the unit of government or public official concerned. When a language barrier exists, inquiry is generally directed to an American Consul in the country concerned. The nearest representative of the other country may also be consulted.

During the present period of hostilities, continued ownership of real property located in countries actively at war, or in conquered or occupied areas, is in doubt and the value, if any, of the holdings can not be ascertained. When it is impossible to obtain reasonably positive evidence of eligibility or ineligibility with respect to real property located in such countries, it is the presumption that continued ownership is in doubt and that such property has no present value in determining eligibility. For the present, investigation of such holdings need not be pursued. Upon cessation of hostilities, investigation shall be made through the usual sources available in determining the value of real property in foreign countries, aid to continue during the investigation provided eligibility otherwise exists.

**Sec. 132-25 Increase or Decrease in Assessed Value of Real Property**

W&amp;IC SECS. 1520; 1560; 2141; 2164; 2165; 3047; 3075; 3447; 3460

132-25

OAS; ANB; APSB; ANC

Eligibility may be affected by an increase or a decrease in assessed value of real property.

The current assessed value is used in determining eligibility.

**Sec. 132-30 Determination of Assessed Value of Real Property** PROB. C. SEC. 300; CIV. C. SECS. 678-687, INC. W&IC SECS. 103.5; 103.6; 2141; 2164; 2165; 2165A; 3047; 3075; 3447; 3460

132-30

OAS; ANB; APSB; ANC

In OAS, the assessed value of all real property belonging to an applicant and his spouse and in ANC to a child or children and their parent or parents, shall be ascertained. (For exception in OAS, see Sec. 131-20, Ownership of Real Property Outside State by Separated Spouse.) In ANB and APSB, only the assessed value of property belonging to the applicant as separate property, or as his equal share of community property is considered.

The following are examples of real property ownership in which the assessed value shall be considered:

1. Separate property of a single person;
2. Separate property of husband or wife;
3. Separate property of a separated couple (in OAS and ANC); for exception in OAS, see Sec. 131-20;
4. Community property of a couple;
5. Community property of a separated couple;
6. Property held in joint tenancy;
7. Property held in tenancy in common;
8. Property held in a life estate;
9. An interest in an undistributed estate when the property is in fact available prior to distribution;
10. Property purchased or sold under contract of sale (title not passing);
11. Property purchased under mortgage, deed of trust, etc.

**Sec. 132-41 Value of Real Property Held in Trust** CIV. C. SECS. 694; W&IC SECS. 903; 103.5; 103.6; 132-41

OAS; ANB; APSB; ANC

The assessed valuation of real property (in ANB and APSB less encumbrance of record) which is held in trust shall be considered in determining eligibility of the beneficiary of the trust when such interest is a vested interest. If the future interest is contingent, the value of the property shall not be considered in determining eligibility.

A future interest is vested when the beneficiary would have a right to the immediate possession of the property upon the ceasing of the intermediate or precedent interest such as life estate or other intermediate holding. Certain other types are considered contingent interests. It is suggested that whenever question arises as to whether the interest of the beneficiary is contingent or vested, it be referred to the district attorney for decision.

**140-05 Sec. 140-05 Personal Property, OAS Law**

W&amp;IC SECS. 2160a; 2163.5; 2225; 2007; 2007.5; 2163

**OAS**

No aid shall be granted or paid to any person who owns personal property, the value of which exceeds \$500.

The term "personal property" shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application if the value of the policy or policies at maturity is in an amount not exceeding \$1,000.

Aid shall be granted to any applicant, otherwise eligible, who has not made any voluntary assignment or transfer of property for the purpose of qualifying for aid.

No person shall be denied any aid for any transfer of his property which transfer does not deprive him of the present use, enjoyment or income thereof and does not render him ineligible under maximum property limitations.

Estates for years, when used for the purpose of providing a place of residence for the owners thereof and when such estate is for a period of not less than 10 years, shall be considered real property.

Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, or the payment of any forfeited installment grant, is guilty of a misdemeanor.

Any person who, knowing that the owner of property is an applicant, aids or abets in buying or in any way disposing of the property of an applicant shall give 15 days notice of the intention to make the transfer, to the board of supervisors by serving upon the chairman of the board a declaration in writing setting forth the name of the owner of the property, the fact that he is an applicant, a description of the property sufficient to enable it to be identified with reasonable certainty, and the time and place where the contemplated transaction will be completed. Failure to give such notice shall constitute a misdemeanor.

Aid granted shall not constitute a lien upon any property of the recipient.

**140-10 Sec. 140-10 Personal Property, ANB and APSB Laws**  
**ANB; APSB**

W&amp;IC SECS. 3047; 3447

Aid shall not be received by any person who owns personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record is in excess of \$3,000.

The term "personal property" shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding \$1,000.

**140-15 Sec. 140-15 Personal Property, ANC Law**  
**ANC**

W&amp;IC SECS. 152;

No aid shall be granted or paid for any orphan child who has cash or securities the total value of which exceeds \$250, nor for any child or children in one family who have or whose parents have or the child or children and parents have, cash or securities the combined value of which exceeds \$500.



## Sec. 140-00 Provisions of the W. &amp; I. Code Regarding Personal Property

140-00

Old Age Security	Aid to Partially Self-Supporting Blind Residents Aid to Needy Blind	Aid to Needy Children
<p>No aid shall be granted or paid to any person who owns personal property, the value of which exceeds \$500.</p> <p>The term personal property shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application if the value of the policy or policies at maturity is in an amount not exceeding \$1,000. (W. &amp; I. C. 2163.)</p> <p>Aid shall be granted to any applicant, otherwise eligible, who has not made any voluntary assignment or transfer of property for the purpose of qualifying for aid. (W. &amp; I. C. 2160-g.)</p> <p>Estates for years, when used for the purpose of providing a place of residence for the owners thereof and when such estate is for a period of not less than 10 years, shall be considered real property. (W. &amp; I. C. 2163.5.)</p> <p>Aid granted shall not constitute a lien upon any property of the recipient. (W. &amp; I. C. 2225.)</p> <p>Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, or the payment of any forfeited installment grant, is guilty of a misdemeanor, and any person who, knowing that the owner of the property is an applicant, aids or abets in buying or in any way disposing of the property of an applicant shall give 15 days notice of the intention to make the transfer, to the board of supervisors by serving upon the chairman of the board a declaration in writing setting forth the name of the owner of the property, the fact that he is an applicant, a description of the property sufficient to enable it to be identified with reasonable certainty, and the time and place where the contemplated transaction will be completed, and failure to give such notice shall constitute a misdemeanor. (W. &amp; I. C. 2007.)</p> <p>No person shall be denied any aid for any transfer of his property which transfer does not deprive him of the present use, enjoyment or income thereof and does not render him ineligible under maximum property limitations. (W. &amp; I. C. 2007.5.)</p>	<p>Aid shall not be received by any person who owns personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record, is in excess of \$3,000.</p> <p>The term personal property shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding \$1,000. (W. &amp; I. C. 3047 and 3447.)</p>	<p>No aid shall be granted or paid for any orphan child who has cash or securities, the total value of which exceeds \$250, nor for any child or children in one family who have, or whose parents have, or the child or children and parents have, cash or securities the combined value of which exceeds \$500. (W. &amp; I. C. 1521.)</p>

3. Nonrecurring lump sums received because of judgments or for compensation received because of compensation laws;
4. Cash or securities received by inheritance, either by will or by succession;
5. Proceeds, exclusive of interest, from the conversion of personal property, such as the sale of stocks or bonds;
6. Proceeds, exclusive of interest, from the sale of real property in which the title passes.

The fact that the personal property is held in another State or country is not occasion for disregarding it when determining eligibility.

Monies received from any of the following sources shall be considered as income for the month received. The amount which remains from any such income as of the first of the following month shall be considered as personal property subject to the limitations of the law.

1. Proceeds from farm crops;
2. Commissions;
3. Nonrecurring accumulated pension funds;
4. Regular periodic compensation payments both industrial and unemployment;
5. Annual rentals for farm lands;
6. Earnings of personal property such as interest or dividends.
7. Proceeds for sale of real property sold under contract of sale, title not passing;
8. Cash received by eligible children as beneficiaries of an insurance policy, or by parents, except when such parent is a beneficiary of a spouse's insurance policy.

**141-10 Sec. 141-10 Ownership of Personal Property Defined** W&IC SECS. 1521; 2141; 2163; 3047; 3075; 3447; 3460

OAS; ANB; APSB; ANC

The term "owner" includes all persons who hold title either legal or equitable to personal property, regardless of its location. In OAS, ANB, and APSB it also includes the vendor (i.e., the seller) and the vendee (i.e., the buyer) of personal property under a conditional sales contract.

Personal property is considered to be owned if it is held under any of the following conditions:

1. Clear of all indebtedness;
2. Subject to a mortgage, or other obligation against it, or if it has been placed as collateral;
3. Subject to purchase from another party under a conditional sales contract;
4. Subject to sale to another party under a conditional sales contract;
5. In an undistributed estate when the property is in fact available prior to distribution of the estate.

Personal property may be owned:

1. As separate property;
2. As community property;
3. In joint tenancy;
4. In tenancy in common;
5. In a partnership;
6. By a corporation.

**141-15 Sec. 141-15 Determination of Ownership of Personal Property** W&IC SECS. 1521; 2141; 2163; 3047; 3075; 3447; 3460

OAS; ANB; APSB; ANC

In OAS, ANB, and APSB ownership of all personal property shall be established as the first step in determining that the value of personal property holdings is within the limitation for the respective category of aid.

In ANC only ownership of cash, securities and insurance policies shall be established.

The county assessor's or tax collector's rolls may contain information regarding ownership of personal property; however, not all personal property is subject to taxation and those records do not necessarily reveal all of the personal property owned.



**Sec. 141-00 Types of Personal Property**

HAIC SECS. 2141; 2163; 3047; 3075; 3047; 3060

141-00

OAS; ANB; APSB

All property which is not real property is personal property. The following types of holding shall be considered when determining the value of the applicant's personal property.

1. Cash on hand, in a bank, in postal savings, or in a safe deposit box, stocks, bonds, notes, mortgages, deeds of trust, live stock and fowl, farm or other implements, vehicles, household goods (other than that which is determined to be an inconsequential resource), jewelry and any other type of property other than real property;
2. The net cash surrender value of any insurance policy of less than five years' standing;
3. The net cash surrender value of that portion of an insurance policy or policies in effect 5 years or more which exceeds a net value at maturity of \$1,000 (See Sec. 143-82, Definition of Insurance Terms).
4. Dividends on insurance policies left on deposit with the company and available to the applicant upon demand;
5. The value of a commercial or other business enterprise;
6. Proceeds received by recipients from the following sources:
  - a. Nonrecurring lump sum payments received because of judgments, or because of compensation laws;
  - b. Personal property received through inheritance, either by will or succession;
  - c. Cash received in a lump sum by the insured from the surrender or maturing of insurance policies;
  - d. Cash received by the recipient as beneficiary of an insurance policy or policies carried by the spouse.
7. Proceeds resulting from conversion of property:
  - a. The return, exclusive of interest, dividends, etc., resulting from the sale of real property in which title passes from the recipient of aid;
  - b. The proceeds, exclusive of interest, dividends, etc., from the sale of personal property;
8. The lessee's interest in lease of real property for a period of years;
9. An heir's interest in an undistributed estate only when the property in the undistributed estate is in fact personal property and is available to the recipient prior to distribution.

The fact that the personal property is held in another State or country is not occasion for disregarding it when determining eligibility.

**Sec. 141-05 Types of Personal Property**

HAIC SECS. 152L 1560

141-05

ANC

Personal property considered in determining eligibility in ANC is restricted to cash and securities. Cash includes commercial or savings accounts, postal savings, and building and loan accounts. Securities include current net cash surrender value of insurance and market value of stocks, bonds, notes, mortgages, deeds of trust, etc. Securities also include an heir's interest in an undistributed estate when the property in the undistributed estate is in fact cash and/or securities and is available to the recipient prior to the distribution.

The following shall be considered as personal property immediately upon receipt and thereafter:

1. Cash received in a lump sum from the surrender or maturing of insurance policies owned by parents or children;
2. Cash received as beneficiary of an insurance policy of a spouse.

**142-10 Sec. 142-10 Limitations on Personal Property** W&IC SECS. 1521; 1560**ANC**

No aid under the ANC Law shall be granted or paid for any orphan child who has cash and/or securities, the total value of which exceeds \$250, nor for any child or children in one family who have, or whose parents have, or the child or children and parents have, cash or securities the combined value of which exceeds \$500. (See Sec. 141-05, Types of Personal Property.)

Each whole orphan of a group of whole orphans of one family may have cash and/or securities valued at \$250. A parent/parents and one child or a parent/parents and several children may have combined cash and/or securities valued at \$500.

Cash and/or securities including cash surrender value of insurance policies which are the exclusive property of child or children who are not *eligible* for ANC shall not be considered in determining eligibility of other children in the family.

If a child in a family group has an amount in trust which is restricted for his use alone by the terms of the trust or by court order, and which is in excess of the amount allowed under the law, the other children in the family shall not be disqualified for aid because of this fact. When there are no restrictions on the use of money received as a judgment, or from other sources, and it may be used for the family, such funds should be considered in determining eligibility of all the children in the family unit.

**Example:**

Mary, one of five children for whom application is made by their mother has \$1,000, which was awarded her because of injuries in an accident. By court order it is set aside for her use only. Mary would be disqualified for aid, but the eligibility of the other children would not be affected.

Cash and securities, including cash surrender value of insurance, are the only types of personal property considered in determining eligibility for ANC. The value of household furnishings, an automobile, or live stock and farm equipment are not considered. The maintenance of a car by a parent of children receiving ANC is authorized only when it is necessary as a means of adding to the household income, or if required for transportation or the conveying of supplies.

**142-25 Sec. 142-25 Change in Value of Personal Property** W&IC SECS. 1521; 1560; 2141; 2163; 3047; 3075;  
3447; 3460  
**OAS; ANB; APSB; ANC**

The value of personal property may increase or decrease due to the fluctuating nature of the value of individual holdings; for example, the value of stocks and other securities. In general, the cash surrender value of insurance increases with the lapse of time.

In OAS, ANB, and APSB eligibility may be affected as the value of live stock varies with market conditions and with the natural increase of flocks and herds. Automobiles decrease in value as they become older.

When the value of personal property holdings of the applicant or recipient (parent or child in ANC) approaches the maximum permitted under the law, a slight variation in the value of an individual holding may affect eligibility for aid and a redetermination of the value is necessary at frequent intervals.



**Sec. 141-20 Separate and Community Personal Property**

W&amp;IC SECS. 2140; 2163

141-20

OAS; ANB; APSB

Evidence shall be secured to establish that property purported to be the separate property of the spouse is, in fact, his or her separate property. (See Glossary—Separate Property and Community and Separate Property.) Personal property which is determined to be the separate property of the spouse shall not be considered in determining the value of the applicant's personal property. The full value of separate personal property is considered in determining eligibility of the owner.

Each of a couple is presumed to own an equal interest in community personal property. Title to community property may be held jointly in the name of each of the couple, or it may be held in the name of either spouse. All property held in the name of the spouse of a married applicant is presumed to be community property, but the presumption may be refuted by evidence which establishes the property as separate property.

The net cash surrender value of nonexempt insurance may be either community or separate personal property, depending upon the facts. (See Sec. 143-86, Determination of Value of Nonexempt Insurance.)

**Sec. 141-30 Personal Property of Minor Children**

W&amp;IC SECS. 2140; 2163; 3047; 3075; 3447; 3460 141-30

OAS; ANB; APSB

Personal property owned by minor children of an applicant for, or recipient of, OAS, ANB, and APSB shall not be considered in determining eligibility of the applicant or recipient. Such property is the property of the minor child and not of the parent.

Insurance policies held by minor children of applicants for, or recipients of, OAS, ANB, and APSB are considered to be the property of the child and not the property of the parent. Since such policies are the property of the child, the cash surrender value does not affect the eligibility of the parent. Emancipation of the child has no bearing on the ownership of such insurance.

**Sec. 142-00 Limitations on Personal Property**

W&amp;IC SECS. 2140; 2163

142-00

OAS

The separate personal property of the applicant together with his share of the personal property which is held in community with the spouse shall not exceed \$500. Each of a couple is eligible when the separate personal property of the particular applicant together with his share of the community property does not exceed this amount and other eligibility requirements are met. (See Sec. 141-00, Types of Personal Property, and Sec. 143-85, Insurance Exempt as Personal Property.)

**Sec. 142-05 Limitations on Personal Property**

W&amp;IC SECS. 3047; 3075; 3447; 3460

142-05

ANB; APSB

A recipient of ANB may own cash, securities or cash surrender value of insurance sufficient for relief from the distress of poverty, including a reasonable reserve for contingencies, of \$500 in value. (See Sec. 141-00, Types of Personal Property, for examples of other personal property and Sec. 143-85, Insurance Exempt as Personal Property.) When a recipient's circumstances indicate the possibility of rehabilitation, and he has taken definite steps to avail himself of a plan of rehabilitation, he may own additional cash, securities or cash surrender value of insurance, of a value reasonably necessary or advantageous to carry out such plan.

Approval of an application for APSB includes approval of a plan for self-support, therefore, the \$500 limitation on cash, securities and cash surrender value of insurance is not applicable to recipients of APSB.

In no instance may a recipient of ANB or APSB own real or personal property the combined assessed value of which, less all encumbrances thereon of record, exceeds \$3,000.

A schedule of the fees and the actual market value of the vehicle upon which each is levied follows:

VL Fee	Value of Vehicle	VL Fee	Value of Vehicle	VL Fee	Value of Vehicle	VL Fee	Value of Vehicle
\$0.30	\$15	\$2.50	\$145	\$4.70	\$270	\$6.90	\$395
.40	25	2.60	150	4.80	275	7.00	400
.50	30	2.70	155	4.90	280	7.10	405
.60	35	2.80	160	5.00	285	7.20	410
.70	40	2.90	165	5.10	290	7.30	415
.80	45	3.00	170	5.20	295	7.40	425
.90	50	3.10	175	5.30	305	7.50	430
1.00	55	3.20	180	5.40	310	7.60	435
1.10	65	3.30	190	5.50	315	7.70	440
1.20	70	3.40	195	5.60	320	7.80	445
1.30	75	3.50	200	5.70	325	7.90	450
1.40	80	3.60	205	5.80	330	8.00	455
1.50	85	3.70	210	5.90	335	8.10	465
1.60	90	3.80	215	6.00	340	8.20	470
1.70	95	3.90	225	6.10	350	8.30	475
1.80	105	4.00	230	6.20	355	8.40	480
1.90	110	4.10	235	6.30	360	8.50	485
2.00	115	4.20	240	6.40	365	8.60	490
2.10	120	4.30	245	6.50	370	8.70	495
2.20	125	4.40	250	6.60	375	8.80	500
2.30	130	4.50	255	6.70	380	8.90	510
2.40	135	4.60	260	6.80	390	9.00	515

When the vehicle license fee exceeds \$9, use the formula to compute the actual market value and adjust to the nearest figure divisible by 5.

When motor vehicles are being purchased under a contract of sale, the market value of the purchaser's equity rather than the market value of the vehicle determines the personal property value of the vehicle. (See Sec. 144-00, Determination of Value of Personal Property Being Purchased Under Conditional Sale Contract.)

#### 143-77 Sec. 143-77 Determination of Value of Farm Equipment, and Live Stock and Fowl

W&IC SECS. 103; 103.5; 2140; 2141

OAS

The current market value of farm machinery and equipment, such as tractors, cultivators, etc., and live stock and fowl shall be ascertained and considered in determining eligibility for OAS. An estimate of their current market value may be secured from county agricultural agents, the Farm Security Administration, the Federal Land Bank, firms or individuals qualified to estimate the resale value of such holdings.

#### 143-79 Sec. 143-79 Determination of Value of Clothing

W&IC SECS. 2140; 2141; 3075; 3460

OAS; ANB; APSB

The value of normal and essential articles of wearing apparel represents an inconsequential resource and the value of such articles need not be computed.

#### 143-81 Sec. 143-81 Determination of Value of Household Goods and Furnishings

W&IC SECS. 103; 103.5; 103.6; 2140; 2141; 3075; 3460

OAS; ANB; APSB

In OAS, the current market value of household goods and furniture, i.e., the estimated amount the holdings would bring in a quick sale, shall be considered in determining the value of personal property holdings. Ordinarily the public assistance worker's estimate of the value of such holdings is satisfactory. However, when the value of all other personal property holdings approaches \$500 an estimate of the current market value shall be secured from a secondhand dealer or other person qualified to estimate the quick sale value of the holdings. As a guide, when all the personal property owned by an applicant or recipient is valued at \$475 or more, an estimate of the market value of the household goods and furniture shall be secured through an outside qualified source.

In ANB and APSB the county assessed value of household goods and furnishings represents the value to be considered in determining eligibility.



business enterprise shall be considered in determining eligibility. In ANB and APSB, the county assessed value of such holdings is considered.

Accounts due from customers as shown on the books of a business and which are unsecured by notes, drafts, etc., i.e., "accounts receivable," to be of value must be valid and collectible. The value of "accounts receivable" will vary with the age of the accounts, the credit of the debtors and the regularity with which payments have been made. A representative of a collection agency, a retail credit association or other organization familiar with collections may be of assistance in estimating the value of "accounts receivable."

#### Sec. 143-75 Determination of Value of Automobiles, Trucks, and Other Vehicles

143-75

OAS; ANB; APSB

W&IC SECS. 103; 103.5; 103.6; 1521; 1560; 2140; 2141; 2163; 3047; 3075; 3447; 3460  
DEERING'S GEN. LAWS, ACT 5135

The actual market value of automobiles, trucks, motorcycles, etc., owned by applicants for or recipients of aid shall be considered in determining eligibility for OAS. As such vehicles are not county assessed, the value as assessed by the State Motor Vehicle Department shall be considered in determining eligibility for ANB and APSB.

Vehicles are taxed by the State Motor Vehicle Department at the rate of  $1\frac{3}{4}\%$  of the actual market value. The market value as used by that department in computing the license fee shall be considered in establishing eligibility for OAS, ANB and APSB. The registration card issued by the Motor Vehicle Department must be carried in every motor vehicle which is taxed by that department.

On the registration card (white slip) for passenger cars is recorded the registration fee (\$3.00), and the vehicle license fee which varies in accordance with the market value. The vehicle license fee appears in the lower right hand corner of the registration card just above the space provided for the name of the legal owner.

For trucks, a truck weight fee is added to the \$3.00 registration fee. On the registration card (buff slip) for trucks, the figure in the lower right hand corner of the registration card just above the space provided for the name of the legal owner is the vehicle license fee which is based on the market value of the truck. *Disregard the amount which is shown immediately before the vehicle license fee* as that amount represents the combined total of the registration fee and the truck weight fee and can not be used for the purpose of determining the market value of the truck.

#### Example:

Registration card for a passenger car shows the *vehicle license fee* for the current year to be \$5.40.

100% = Actual market value of vehicle as estimated by State Motor Vehicle Department.

$1\frac{3}{4}\%$ , or  $7/4\%$  = \$5.40

1% =  $\$5.40 \div 7/4$ , or  $\frac{\$5.40 \times 4}{7}$

100% =  $\frac{100(\$5.40 \times 4)}{7}$  or  $\frac{5.40 \times 400}{7}$  = \$308

Adjusting to the nearest figure divisible by 5, the actual market value is considered to be \$310.

The following formula gives the same result as reached in the above example:

$\frac{\text{Vehicle License Fee (VLF)} \times 400}{7}$  = Actual Market Value

## 143-83 Sec. 143-83 Distinction Between Exempt and Non-exempt Insurance as Personal Property

W&amp;IC Secs. 103; 103.5; 103.6; 2140; 2141; 2163; 3047; 3075; 3447; 3460

OAS; ANB; APSB

Personal property shall not include a policy or policies of insurance which has or have been in effect at least five years if the net value of the policy or policies at maturity is in an amount not exceeding \$1,000. When the net value at maturity of such insurance policy or policies exceeds \$1,000, only that portion of the insurance which exceeds a net maturity value of \$1,000 shall be considered in determining the value of personal property holdings.

## Example:

A single recipient owns a policy of insurance as follows:

<i>Issued</i>	<i>Face Value</i>	<i>Loan</i>	<i>Net Value at Maturity</i>	<i>Net Cash Surrender Value</i>
1/15/25 -----	\$2,000	\$500	\$1,500	\$900

The first \$1,000 of the net value at maturity is exempt from consideration. The cash surrender value of that portion which exceeds \$1,000 constitutes personal property. The personal property value of the insurance is

$$\$1,500 - \$1,000 = \frac{\$500}{\$1,500} \text{ or } \frac{1}{3} \times \$900 = \$300$$

## Example:

A single applicant owns insurance policies as follows:

<i>Policy</i>	<i>Issued</i>	<i>Face Value</i>	<i>Loan</i>	<i>Net Value at Maturity</i>
A-----	6/ 5/39	\$500		\$500
B-----	5/ 3/33	\$900	\$100	\$800
C-----	6/15/32	\$200		\$200

Total Net Value at Maturity----- \$1,500

The net maturity value of policies B and C is \$1,000. Since each is over five years old, these policies are not considered in determining eligibility, and it is not necessary to ascertain the cash surrender value of them. The cash surrender value of policy A must be ascertained and included with the value of other personal property.

When total insurance holdings consisting of a number of policies which have been in effect five years or more have a net maturity value in excess of \$1,000, that portion of the insurance to be eliminated from consideration as personal property may be any combination of such policies which best operates to the advantage of the applicant.

When a policy or policies, previously not exempt, attain the age of five years they automatically revert into the exempt group, provided that the total of all exempt insurance does not exceed a net value at maturity of \$1,000.

In the case of a married couple each is considered to have a one-half interest in the net cash surrender value of policies carried by either. Insurance carried by an eligible or ineligible spouse which falls within the exemption outlined in the law shall not be considered in determining eligibility of applicant.

An insurance policy which has no cash surrender value is not an available resource for the support of the insured and has no effect upon his personal property status (see Sec. 143-82, Definitions of Insurance Terms).



Sec. 143-82 Definitions of Insurance Terms W&IC SECS. 103; 103.5; 103.6; 2140; 2141; 2163; 3047;  
OAS; ANB; APSB; ANC 3075; 3447; 3460

143-82

The following definitions of life insurance terms may be helpful in considering the value of life insurance policies.

**Net value at date of maturity** is determined by adding the amount of paid-up additions, if any, to the face value of the policy and subtracting the amount of any loans made by the company against that policy.

**Date of maturity** is the date on which the net value at maturity becomes due and payable. Most insurance policies do not mature until the death of the insured. A "20 or 30 pay" life insurance policy normally matures upon the death of the insured and not with the completion of the premium payments or at the end of any specified period of time. However, the net maturity value of an endowment policy becomes payable at the expiration of a specified period, i.e., 20 years in the case of a 20-year endowment. Upon reaching the maturity date, the net maturity value of the policy becomes personal property to be considered in determining eligibility for the particular category of aid. The fact that the insured elects to leave the funds representing the maturity value of the endowment policy on deposit with the company does not alter this situation.

Some insurance policies specifically provide for cash selective age benefit payments at a certain age upon surrender of the insurance certificate. The amount of the cash selective benefit is always less than the face value of the policy. If the insured elects to accept the cash selective age benefit, surrendering his policy, the insurance matures at that time. On the other hand, if the insured lets the insurance continue as a life policy, such a policy does not mature until the death of the insured.

**Net cash surrender value** is determined by subtracting from the cash surrender value of the policy or policies the amount of any loans made by the company against that policy or policies, and unpaid interest thereon.

**Date of policy** is the date on which the policy was issued, and this date shall be considered in determining the age of the policy. However, when a new or adjusted policy is issued in lieu of another, and the original policy gave the insured the option of converting it, the converted policy is treated as a continuation of the original, and the date of issuance of the original policy is considered. A new policy issued not by reason of any rights granted in the original policy but as a new and unrelated contract, is considered to have been in existence only from the date the policy was issued.

**Annuities** usually are irrevocable and have no cash or loan value. Where annuities have a cash surrender value this value shall be considered as personal property unless the insurance falls within the exemption allowed in the law.

**Paid up additions** to the policy may be purchased with the dividends earned by the policy according to an option given to the insured by some companies. When accumulated dividends have been converted into paid-up additions, the amount of the additions must be considered in determining the net value of the policy at maturity. When the dividends are not used to purchase additions to the policy, but remain with the company where they are available to the applicant upon demand, the amount of such dividends represents personal property which must be considered in determining eligibility.

**144-00 Sec. 144-00 Determination of Value of Personal Property Being Purchased Under Conditional Sales Contract** W&IC SECS. 103; 103.5; 103.6; 2140; 2141; 2163; 3047; 3075; 3447; 3460

OAS; ANB; APSB

When personal property is being purchased on a conditional sales contract, the market value of the purchaser's equity in the article shall be considered in determining eligibility for OAS. In ANB and APSB, the assessed value of the purchaser's equity in such articles shall be considered.

In OAS, the market value of the purchaser's equity represents the difference between the current market value of the goods being purchased and the remainder due on the contract. There will be no equity when the remainder due exceeds the current market value. In ANB and APSB, the purchaser's equity is the difference between the assessed valuation and the amount due on the contract. When the balance due on the contract is greater than the assessed valuation, there is no equity.

In the absence of information to the contrary, it is the presumption that payments are being made regularly in accordance with the terms of the contract of sale.

**144-05 Sec. 144-05 Determination of Value of Articles Sold Under Conditional Sales Contract** W&IC SECS. 103; 103.5; 103.6; 2140; 2141; 2163; 3047; 3075; 3447; 3460

OAS; ANB; APSB

In OAS, ANB, and APSB, the value of articles of personal property sold under conditional sales contract represents personal property of the seller, since title remains with him. Their value must be considered in determining eligibility of the seller for the particular category of aid until such time as title passes to the buyer.

In OAS, the current market value of articles being sold under conditional sales contract represents the value to be included when determining personal property holdings. In ANB and APSB, the county assessed value of such articles is considered when determining eligibility.

The return, exclusive of interest, to the seller of articles of personal property under a conditional sales contract represents personal property, and when the value of total personal property holdings remains within the maximum for the particular category of aid, there is no occasion for interruption of aid.



**Sec. 143-87 Effect of Loans Against Insurance** W&IC SECS. 103; 103.5; 103.6; 2140; 2141; 2163; 143-87  
OAS; ANB; APSB; ANC 3047; 3075; 3447; 3460

In OAS, ANB, and APSB, an applicant who was adjudged ineligible in the past (or would have been ineligible had application been made) because of the cash surrender value of life insurance may subsequently borrow on such insurance without disqualifying himself for future aid. A loan may have been made against the policy or policies of insurance for the purpose of immediate maintenance of the insured and/or his dependents or adjustments may have been made for some other purpose than to qualify for aid. Under these circumstances eligibility is not impaired, provided personal property holdings are within the maximum, even though the loan against the insurance may have reduced the net value in sufficient amount to render the applicant no longer ineligible because of personal property.

In ANC this applies to insurance held by the parents and/or eligible children.

**Sec. 143-88 Insurance Adjustments** W&IC SECS. 103; 103.5; 103.6; 2140; 2141; 3075; 3460 143-88  
OAS; ANB; APSB; ANC

That adjustment which will best conserve the assets of the insured shall be made when an insurance adjustment is necessary.

The Life Insurance Adjustment Bureau, 450 Seventh Ave., New York, New York, renders service to recognized social agencies in connection with adjustment of insurance issued by the Metropolitan Life Insurance Company, Prudential Insurance Company of America and the John Hancock Mutual Life Insurance Company. Adjustment problems in connection with other types of insurance should be taken up directly with the company concerned.

**Sec. 143-89 Verification of Insurance** W&IC SECS. 103; 103.5; 103.6; 1521; 1560; 2140; 2141; 2163; 143-89  
OAS; ANB; APSB; ANC 3047; 3075; 3447; 3460

In OAS, ANB, and APSB, all insurance policies carried in the name of the applicant (and/or spouse, if premium payments were made from community funds) shall be verified.

In ANC, all insurance policies carried in the name of the parents and/or children shall be verified. Cash surrender value of all policies shall be verified through the insurance company, except when examination of the policies clearly establishes that the total face value of all policies together with other cash and securities is within the maximum of \$500.

In OAS, ANB, and APSB, verification may be made either through correspondence with the insurance company or by examination of the policies and shall be made even though the premiums may be paid by other than the insured. The county record shall contain the following information regarding each policy: type of policy; date of issuance of policy; amount of premiums and by whom paid; cash surrender value; face value and value at maturity (and in OAS, ANB, and APSB, the amount of encumbrance against the policy); beneficiaries; disability or other special benefits.

In case disability benefits are available, there shall be further clearance of the amount available and conditions under which benefits will be paid. When the applicant, or in ANC the parent or child, is eligible to receive benefits at the time of application, he shall be required to avail himself of them.

**Sec. 143-95 Leases as Personal Property** C. L. SEC. 765; W&IC SECS. 1521; 2163; 2163.5; 3047; 143-95  
OAS; ANB; APSB; ANC 3447;

Leases for a term of years are personal property. (See Glossary-Leases.) Exception: In OAS, a lease is real property when it is for a period of not less than 10 years and the leased premises are used as a place of residence for the lessee. (See Sec. 132-60, Real Property Held by Lease.)

When houses, cabins, etc., are placed upon leased land with the provision in the lease that houses, cabins, etc., remain the property of the lessee, such holdings represent personal property, if the lease is personal property, real property if the lease is real property.

The value of all leases considered personal property shall be determined, according to the provisions of the respective category of aid. (See Secs. 143-00, 143-05, 143-10, Determination of Value of Personal Property.)

**144-15 Sec. 144-15 Determination of Value of Frozen Assets** W&IC SECS. 103; 103.5; 103.6; 1560; 2140; 2141; 3075; 3460  
OAS; ANB; APSB; ANC

Frozen assets are those which have become unavailable to the owner through no voluntary act on his part and which can not be obtained by any voluntary act on his part. An interest as evidenced by deposits, certificates of ownership, etc., in defunct banks, building and loan associations, or other organizations may be frozen in so far as obtaining funds from the particular bank, or other institution is concerned, but the interest may be saleable at a discount. Such saleable value represents personal property to be considered in determining eligibility for the particular category of aid.

**144-20 Sec. 144-20 Determination of Value Other Types of Personal Property** W&IC SECS. 2163; 2140; 2141  
OAS

In addition to types of personal property discussed in previous sections, there are miscellaneous types of personal property such as jewelry, art objects, antiques, musical instruments, books, etc. As with other types of personal property the current market value, i.e., the amount that could be realized upon quick sale of such articles, shall be considered in determining eligibility.

**145-00 Sec. 145-00 Personal Property Acquired by Purchase** W&IC SECS. 2140; 2141; 2163; 3047; 3075; 3447; 3460  
OAS; ANB; APSB

Personal property may be purchased without affecting eligibility for aid provided the value of such personal property, together with other personal property holdings, does not exceed the limitations provided in the law for the respective category of aid.

If a recipient or spouse purchases personal property, the terms of the purchase and plan of payment should be ascertained. If it does not appear that the payments can be met out of the known resources and the grant, the possibility of unknown assets or income should be explored.

**145-05 Sec. 145-05 Personal Property Acquired by Gift** CIV. C. SECS. 162; 163  
OAS; ANB; APSB; ANC

The value of personal property acquired by gift shall be considered in determining eligibility in accordance with the provisions of the respective category of aid. A gift is the separate property of the person receiving it.



**Sec. 144-08 Determination of Value of Trust Funds**

144-08

OAS; ANB; APSB; ANC

CIV. C. SECS. 694; 695; W&IC SECS. 103; 103.5; 103.6; 1560; 2140; 2141;  
3075; 3460

When personal property is held in trust for the future benefit of the beneficiary and the taking of possession is dependent only on time; e.g., a child becoming 21 years of age, a definite date arriving, or the trustor dying, the current market value of the trust (in ANB and APSB, less encumbrance of record) at the time of application shall be considered in determining eligibility.

Many trusts cannot be sold nor can the amount of money which could be realized from them be determined. When this occurs, the current market value of the trust (in ANB and APSB, less encumbrance of record) as placed by a responsible concern such as a bank, or by the trustee shall be secured.

Example: A child who is a beneficiary of a trust for \$5000 is to take possession at the age of 21. The current market value of the trust on May 26, 1942, by a local banker places the value at \$3000.

When the passing of the trust is contingent upon the acts, either affirmative or negative of a third person, the value of the trust need not be considered in determining eligibility until the necessary action occurs. When the event occurs which makes the applicant or recipient the direct beneficiary of the trust, the current market value (in ANB and APSB, less encumbrance of record) of the trust shall be secured.

Example: The trustor makes the trust payable to, or places the ownership of the trust in, a third person and the trust passes to the applicant or recipient only on the death of the third person, the value of the trust need not be considered until the third person dies.

**Sec. 144-10 Determination of Personal Property Value of Undistributed Estates**

144-10

OAS; ANB; APSB; ANC

W&amp;IC SECS. 103; 103.5; 103.6; 1560; 2140; 2141; 3075; 3460

Personal property in an undistributed estate is considered the personal property of the applicant or recipient when (1) the property is in fact personal property, and (2) the property is available to the applicant or recipient prior to distribution of the estate. The value of such personal property holdings shall be considered in determining eligibility according to the provisions of the respective category of aid.

In determining the value of the inheritance, if any, which is available before distribution consideration should be given to known indebtedness and to an estimate of the administrative costs exclusive of inheritance taxes. This estimate of administrative expense (exclusive of inheritance tax) may be deducted from the appraised value as filed with the probate court in determining the net amount of personal property available prior to distribution.

When two or more heirs have an undivided interest in an undistributed estate which is in fact available prior to distribution, each is considered to have an interest in proportion to the number of known heirs. (See Secs. 132-52, Undistributed Estates and 145-10, Personal Property Acquired by Inheritance.)

**361-35 Sec. 361-35 Changes in Amount of Grant During Suspension of Aid**

OAS; ANB; APSB; ANC

W&amp;IC SECS. 1560; 2140; 3075

When it is found, during the suspension of aid, that the recipient was eligible for a lesser amount of aid than that for which the suspended warrant or warrants were issued, the original warrant and any other suspended warrants may be paid and a repayment sought from the recipient for the amount in excess of that to which he was eligible, or the original warrant and other subsequently suspended warrants may be canceled and a new warrant or warrants in the correct amount issued. (See Sec. 361-10, Decrease in Grant.) If the original warrant and any subsequently suspended warrants are canceled and a new warrant or warrants issued, the board of supervisors must approve the changed grant and the new warrant or warrants must be issued before the end of the suspension period.

When, during suspension of aid, it is determined that the recipient was eligible to a greater amount of aid than that for which a suspended warrant or warrants were issued, the original warrant or warrants may be released. The additional amount due for a particular month may be retroactively paid, provided the supplementary warrant or warrants are issued and delivered before the end of the month following that for which the retroactive payment is made or the original warrant may be canceled and a new warrant or warrants in the correct amount issued. (See Secs. 361-25, Retroactive Aid Payments by County, and 361-00, Increase in Amount of Aid.)

For method of filing claims see Sec. 626-50, Supplemental Aid Claims.

A Notice of Change (Form Ag, Bl, CA 232) shall be submitted to the SDSW, after action by the board of supervisors, showing the change in the grant, beginning as of the first day of the month in which it was effective.



## Sec. 361-25 Retroactive Aid Payments by County W&amp;IC SECS. 1560; 2140; 3075

361-25

OAS; ANB; APSB; ANC

Retroactive aid means aid paid in a subsequent month for some preceding month or months. All payments of aid shall be made within the month for which aid is granted (see Sec. 611-50, Beginning Date of Aid) except that retroactive aid may be paid by the county in the following types of situations:

1. When retroactive aid is granted upon appeal to the SSWB (see Sec. 325-75, Retroactive Aid).
2. When initial retroactive payments in OAS are made as described in Sec. 611-70, Retroactive Initial Payments.
3. When retroactive aid is granted because the investigation of an application following discontinuance due to employment is not completed within 30 days.
4. When a payment has been made for a given amount in conformity with the currently authorized award in effect at the time the payment was made, and it is found that the need for the month had increased. There will be Federal and State participation in the additional amount retroactively paid, provided that after action by the board of supervisors, the supplementary warrant is issued and delivered before the end of the first month following that for which the retroactive payment is made.

Example A: An OAS recipient receives \$30 for February as \$10 deduction is made because of contribution from a son. On February 5 county learns that son ceased his contribution in January, and that recipient has had no other income. He was, therefore, eligible to receive \$40 for February. Retroactive aid in the amount of \$10 for the month of February may be granted in March, provided warrant is delivered not later than March 31.

Example B: ANC in the amount of \$85 was paid for January to meet the budgetary deficiency for a family of mother and four children. On January 10, county learns that family had moved to more adequate living quarters and rent for January increased by \$7. Retroactive aid in the amount of \$7 for the month of January may be granted in February provided the warrant is delivered not later than February 28.

5. When a payment in any month is made for less than the authorized award and the erroneous payment is corrected within a three-month period, including the month in which the erroneous payment is made.

Example: The authorized award for a recipient of ANB for January is \$50. Due to an error, the recipient's January warrant was for \$40. County may pay recipient additional \$10 due him for January in February and not later than March 31.

6. When an award has been made and remains in effect, but payment of aid is suspended as provided in Sec. 361-30, Suspension Procedure.
7. When a warrant is returned to the county auditor's office because of a change in address of the recipient such warrant may be held and retransmitted in the subsequent month to the recipient's new address.

In making this separation, the following rules are observed:

- A. When a family budget unit is composed of two or more children, and all of the children do not have a common status with respect to Federal participation, the grant is divided evenly between the eligible and ineligible children, except as stated in B and C below:

Example: A family budget unit consists of three children, two of whom are eligible for Federal participation. The grant for this family is \$61.50. Two-thirds or \$41 is apportioned to the two eligible children, and one-third or \$20.50 is apportioned to the ineligible child. (See Case No. 1, Form CA 801.)\*

- B. When, by using the method prescribed in A, the apportionment to the eligible children is less than the maximum amount in which the Federal Government participates (\$30 for two children, \$42 for three children, \$54 for four children, etc.), then the maximum amount upon which the Federal Government participates is apportioned to the eligible children and the remainder of the grant is apportioned to the ineligible children.

Example: A family budget unit consists of five children, three of whom are eligible for Federal participation and two of whom are not eligible for Federal participation. The total grant for this family is \$60. Of this total grant, \$42 (the basis for Federal participation for three eligible children) is apportioned to the eligible children, and the remainder, \$18, is apportioned to the two ineligible children. (See Case No. 2, Form CA 801.)\*

- C. When, by using the method prescribed in A, the apportionment to the ineligible child exceeds \$22.50, then the excess is apportioned to the eligible children so that the maximum reimbursement of State funds may be claimed.

Example: A family budget unit consists of four children, three of whom are eligible for Federal participation and one of whom is not eligible for Federal participation. The total grant for the family is \$91.40. Of this total grant \$68.90 is apportioned to the eligible children and \$22.50 to the ineligible child. (See Case No. 3, Form CA 801.)\*

- D. When a family budget unit is composed of only one child, or when all of the children in a family have the same status with respect to Federal participation, no apportionment is made. The total grant for the family budget unit is shown as eligible if all the children are eligible for Federal participation, or as ineligible if all of the children are ineligible for Federal participation. (See Case No. 4, Form CA 801.)\*

(See Sec. 627-00, Definition of Types of Cases.)

**BHI Aid Pay Rolls** (Form CA 801 BHI) do not include children eligible for Federal participation. (See Sec. 626-00, Method of Claiming Participation by Federal and State Governments.) The Warrant Amount and the Basis for State Participation are extended to the corresponding columns.

The Basis for State Participation (the total amount paid, not to exceed \$22.50 per child) is divided into two columns as follows:

1. Amounts for children having one or more years' county residence;
2. Amounts for children who do not have one year county residence. (See Case No. 1 and Case No. 2, Form CA 801 BHI.)\*

#### 627-25 Sec. 627-25 County Hospital Claim

(INFORMATION ONLY)

OAS

For information on this subject, see:

- Sec. 164-10, Eligibility for Temporary Medical Care
- Sec. 165-15, Basis for State Payment—County Hospital Claim
- Sec. 626-10, Types of Aid Claims
- Sec. 626-20, Forms Used in Aid Claims
- Sec. 626-30, County Designed Aid Claim Forms
- Sec. 626-40, Submission of Aid Claims
- Sec. 626-60, Identification on Aid Pay Rolls
- Sec. 627-00, Definition of Types of Cases with Respect to Financial Participation by Federal, State, or County Government
- Sec. 627-10, Chart of Financial Participation in Grants of Aid
- Sec. 627-20, Apportionment of Grants on Pay Rolls or Claims
- Sec. 627-40, Partial Month Claims—Computation of Total Amounts
- Sec. 628-10, State Audit of Aid Claims
- Sec. 628-20, Aid Claim Correction
- Sec. 629-99, County Aid Claim Forms

\* Examples of the various types of cases are shown on the sample forms in Sec. 629-99, County Aid Claim Forms.



## OAS

**Voucher Aid Pay Roll** (Form Ag 801) is composed of:

1. Regular cases for which no designation is necessary. The total grant shall be shown. (See Case No. 1, Form Ag 801.)\*
2. Non-county cases—designated by one asterisk (\*) or the term “non-county.” The total grant shall be shown. The Federal and State shares may be extended to the corresponding columns. (See Case No. 2, Form Ag 801.)\*
3. Non-Federal cases—designated by two asterisks (\*\*) or the term “non-Federal.” The total grant shall be shown. The State share may be extended to the corresponding column. (See Case No. 9, Form Ag 801.)\*
4. Non-county-non-Federal—designated by three asterisks (\*\*\*) or the term “non-county-non-Federal.” The total grant shall be shown. The State share may be extended to the corresponding column. (See Case No. 6, Form Ag 801.)\*

Extension of Federal and State shares is not mandatory, but may be shown for easier segregation of the different types of cases in compiling the Recapitulation Sheet (Form Ag 802).

**County Hospital Aid Claim** (Form Ag 801-H) is composed of regular and non-county cases. Show in the corresponding columns the total amount of the grant to which recipients would be eligible under OAS Law if they were not confined in the county hospital. (See Form Ag 801-H in Sec. 629-99, County Aid Claim Forms.)

## ANB; APSB

**Voucher Aid Pay Roll** (Form Bl 801) consists of cases approved under both the ANB and APSB laws and is composed of:

1. Regular cases for which no designation is necessary. The total grant and the amount in excess of \$40 shall be shown. (See Case No. 1, Form Bl 801.)\*
2. Non-county cases designated by one asterisk (\*) or the term “non-county.” The total grant and the amount in excess of \$40 shall be shown. The Federal and State shares may be extended to the corresponding columns. (See Case No. 3, Form Bl 801.)\*
3. Non-Federal cases—designated by two asterisks (\*\*) or the term “non-Federal.” The total grant shall be shown. The State share may be extended to the corresponding column. (See Case No. 7, Form Bl 801.)\*
4. Non-county-non-Federal cases—designated by three asterisks (\*\*\*) or the term “non-county-non-Federal.” The total grant shall be shown. The State share may be extended to the corresponding column. (See Case No. 5, Form Bl 801.)\*

Extension of Federal and State shares is not mandatory, but may be shown for easier segregation of the different types of cases in compiling the Recapitulation Sheet (Form Bl 802).

## ANC

**Voucher Aid Pay Roll** (Form CA 801) consists of cases both eligible and ineligible for Federal participation. The Warrant Amount, Basis for State Participation and Basis for Federal Participation are extended to the corresponding columns. Children who do not have one year county residence are designated by one asterisk (\*) in the appropriate column. (See Case No. 18, Form CA 801.)\*

The Basis for State Participation (the total amount paid, not to exceed \$22.50 per child ineligible to Federal participation; \$31.50 for one child and \$28.50 for each additional child in the same family eligible to Federal participation) is divided into two columns as follows:

1. One total amount for that portion of the grant allowed for all children in each family budget unit eligible to Federal participation, and
2. One total amount for that portion of the grant allowed for all children in each family budget unit ineligible to Federal participation.

\* Examples of the various types of cases are shown on the sample forms in Sec. 629-99, County Aid Claim Forms.

Example b: Payment to County for Hospital Care begins on January 3 because of hospitalization of a former OAS recipient who was receiving aid at the rate of \$40 a month when he was confined for medical care. Payment is allowed for 29 days in the basic amount of \$37.42 ( $29/31 \times \$40$ ). The actual payment by the State is one-fourth of that amount (\$9.36) in a regular case or one-half (\$18.71) in a non-county case. (See Case No. 1, Form Ag 801-H.)\* (See Sec. 165-15, Basis for State Payment—County Hospital Claim.)

Example c: ANB begins on February 4 during a 28-day month at the rate of \$50 a month. Aid for 25 days is allowed ( $25/28 \times \$50$ ), making a total payment of \$44.64.

Example d: ANC in the amount of \$22.50 a month is discontinued on February 24 during a 29-day month. Aid for 24 days is allowed ( $24/29 \times \$22.50$ ), making a total payment of \$18.62.

Example e: The amount of ANC paid a family budget unit of three children eligible to Federal participation is decreased from \$88.50 to \$60 a month on January 23, because one child reaches the age of 18 on that date. Aid for 22 days at the rate of \$88.50 ( $22/31 \times \$88.50 = \$62.81$ ) plus 9 days' aid at the rate of \$60 ( $9/31 \times \$60 = \$17.42$ ) is allowed, making a total payment of \$80.23. (See Case No. 6, Form CA 801.)\*

For additional examples, see Sec. 627-50, Computation of Payments When Child Transfers Between BHI and Private Home; Sec. 627-70, 18th Birthday—State and Federal Participation; and Sec. 627-85, Federal Participation When Additional Child Becomes Eligible During Month (Example b).

627-45 **Sec. 627-45 Partial Month Claims—Basis for Federal Participation**

OAS; ANB; ANC

W&IC SECS. 1510; 1553; 1554; 2020; 2186; 3084; 3087; 3087.1; 3087.2

In all eligible cases for which a partial month claim is made, the basis for Federal participation is the actual amount of aid paid, not to exceed the Federal maximum. Federal participation is not prorated.

Example a: When 20 days' aid at the rate of \$40 a month, or \$26.67, is paid to an OAS recipient, \$26.67 is the basis for Federal participation. (See Case No. 11, Form Ag 801.)\*

Example b: When 25 days' aid at the rate of \$50 a month, or \$41.67, is paid to an ANB recipient, \$40 is the basis for Federal participation. (See Case No. 10, Form BI 801.)\*

Example c: When 20 days' aid at the rate of \$25 a month, or \$16.67, is paid to one eligible child, \$16.67 is the basis for Federal participation. (See Case No. 7, Form CA 801.)\*

627-50 **Sec. 627-50 Computation of Payments When Child Transfers Between Boarding Home or Institution and Private Home**

W&IC SECS. 1553; 1556; 1556.5; 1559; 1560

ANC

When a child on whose behalf ANC is paid is moved from a boarding home to the home of a relative or legally appointed guardian (or vice versa) during a month, the information as shown on the Notice of Change (Form CA 232) as to the date of the change is the basis for allowance of claims; i.e., the date on which the change was effective determines the number of days during which the child is on aid in each home and the amount of payment to each payee.

Example a: A child is living in a boarding home and aid is paid to the boarding home at the rate of \$22.50 a month. On January 5, the child leaves the boarding home and is placed in the home of a relative. Aid is approved to begin in the relative's home on January 5 at the rate of \$20 a month and is reported accordingly on Form CA 232. Participation is allowed on 4 days' aid at the rate of \$22.50 per month ( $4/31 \times \$22.50$ ), or \$2.90 on the BHI claim; and participation is allowed on 27 days' aid at the rate of \$20 a month ( $27/31 \times \$20$ ), or \$17.42 on the voucher claim. (See Case No. 3, Form CA 801 BHI, and Case No. 8, Form CA 801.)\*

\* Examples of the various types of cases are shown on the sample forms in Sec. 629-99, County Aid Claim Forms.



**Sec. 627-30 Basis for Federal Participation** W&IC Secs. 1510; 1553; 1554; 2020; 2186; 3084; 3087;  
3087.1 3087.2

627-30

OAS; ANB; ANC

There is no Federal participation in initial payments not made in the month for which such payments are approved, except in appeal cases approved by the SSWB. (See Sec. 325-75, Retroactive Aid; Sec. 611-60, Initial Payments; Sec. 611-70, Retroactive Initial Payments; and Sec. 626-50, Supplemental Aid Claims.)

OAS; ANB

In OAS and ANB, the maximum basis for Federal participation is \$40. The actual Federal share is one-half the monthly grant up to a total grant of \$40 on all cases which meet Federal eligibility requirements.

Federal participation is not available for any retroactive OAS payments for any months between the expiration of the 90-day investigation period and the month in which eligibility is finally established and assistance authorized.

Example: Application for OAS is signed on September 25, 1941. The 90-day period expires December 24, 1941, but determination that applicant is eligible is not made by the board of supervisors until March 5, 1942, approving aid to begin January 1, 1942, the first of the month following the expiration of the 90-day period. There is no Federal participation in the OAS payments made for January and February, 1942. (See Case No. 6, Form Ag 801.)\*

ANC

In determining the maximum basis on which the Federal share is computed in ANC, the total grant to a family unit is considered. The maximum Federal basis is \$18 for one child and \$12 for each additional eligible child in the family unit. Therefore, if there is one eligible child in a family unit, the maximum basis for Federal participation is \$18; if there are two eligible children in the family unit, the maximum basis for Federal participation is \$30; if there are three eligible children, the maximum basis is \$42; etc. The actual Federal share is one-half of the amount paid up to the maximum Federal basis.

Example: A family unit consists of four eligible children and the total grant to the family paid by one warrant is \$60. The basis for Federal participation in this case is \$54 (the maximum Federal basis for four children). (See Case No. 4, Form CA 801.)\*

When one or more children of a family group have non-county status and the remaining children have regular status, the \$18 basis for Federal participation is allocated to a child having regular status. (See Case No. 5, Form CA 801.)\*

#### Sec. 627-40 Partial Month Claims—Computation of Total Amounts

627-40

OAS; ANB; APSB; ANC

W&amp;IC Secs. 1560; 2140; 3075; 3460

In computation of a partial month claim, the rate of aid per day is computed on the basis of the actual number of days in the month. The appropriate SDSW rate table should be used to determine the amount of such claim. Aid is claimed for both the date of beginning and date of discontinuance.

Example a: OAS in the amount of \$40 a month begins on April 4. Aid for 27 days is allowed  $(27/30 \times \$40)$ , making a total payment of \$36.

\* Examples of the various types of cases are shown on the sample forms in Sec. 629-99, County Aid Claim Forms.

When the child reaching the age of 18 is the only child in the family budget unit receiving ANC, the final warrant is prorated over the portion of the month during which the child is eligible and covers the number of days up to, but *not including the eighteenth birthday*.

**Example a:** \$20 a month ANC is paid on behalf of one child eligible to Federal participation. This child becomes 18 years of age on January 19. Therefore, the final warrant is issued in the amount of \$11.61 ( $18/31 \times \$20$ ). Federal participation is based on the actual payment of \$11.61. (See Case No. 12, Form CA 801.)\*

When other children in the family budget unit are receiving ANC and the family grant exceeds the basis for State participation for the remaining children, after discontinuance of aid to the 18 year old child, the basis for State participation is reduced to an amount not exceeding \$22.50 per child ineligible to Federal participation, or \$31.50 for one child and \$28.50 for each additional child in the same family eligible to Federal participation, effective on the date the one child becomes 18 years of age.

**Example b:** \$88.50 ANC is paid to a family budget unit consisting of three children eligible for Federal participation. One child becomes 18 years of age on January 11. ANC is decreased to \$60. The basis for State participation is computed as follows:

10 days @ \$88.50 for 3 children = \$28.55  
21 days @ \$60.00 for 2 children = \$40.64

Total basis for State  
participation ----- = \$69.19

Federal participation is based upon the maximum for three children for the full month, or \$42. (See Case No. 13, Form CA 801.)\*

When other children in the family budget unit are eligible to ANC and the grant for the family does not exceed the basis for State participation for the remaining children, after discontinuance of aid for the 18 year old child, it is not necessary to reduce the amount of aid paid to the family if the budget deficit remains the same.

**Example c:** \$50 ANC is paid to a family budget unit consisting of three children eligible to Federal participation. One child becomes 18 years of age on January 9. The budgetary deficiency of the family continues at the rate of \$50; therefore, the county may continue the grant of \$50 for the other two children. State participation for the month of January is based upon the amount of \$50, and Federal participation is based upon the maximum for three children, or \$42. (See Case No. 14, Form CA 801.)\*

**627-80 Sec. 627-80. Federal Participation on Children Between Ages of 16 and 18 Years**  
ANC

W&IC Secs. 1553; 1560

The Federal Government participates in ANC for children between the ages of 16 and 18 years if such children are regularly attending school in accordance with rules and regulations of the SDSW, and provided the children are otherwise eligible for Federal participation. (See Secs. 105-15, Age, ANC Law; 235-15, Verification of Requirements for Federal Participation, 235-20, School Attendance as Requirement for Federal Participation, 235-25, Verification of School Attendance, 627-70, 18th Birthday—State and Federal Participation; and 628-00, Payees Eligible Under Social Security Act.)

**627-85 Sec. 627-85 Federal Participation When an Additional Child Becomes Eligible for Aid During Month**  
ANC

W&IC Sec. 1553

Federal participation for the full month is allowed for an additional child of a family receiving ANC for whom aid is approved to begin during the month, who meets all Federal requirements of eligibility, provided the grant is made in one total amount, one warrant is issued for the entire family group, and no separate amount is shown for the additional child.

**Example a:** Two children eligible for Federal participation are receiving aid at the rate of \$40 on January 1. Aid is approved to begin on January 14 for an additional child of the same family who is also eligible for Federal participation. Aid continues at the rate of \$40 for the family. One warrant is issued in the amount of \$40 and the basis for Federal participation for the three children is \$40. (See Case No. 15, Form CA 801.)\*

\* Examples of the various types of cases are shown on the sample forms in Sec. 629-99, County Aid Claim Forms.



When a child on whose behalf ANC is paid is moved from the home of a relative or legally appointed guardian to a boarding home or institution during a month, if payment for the full month has been made in advance to the relative or guardian, the full month's aid will be allowed on the voucher claim. No aid is claimed on the BHI claim for that month, the adjustment of funds being made between the payees. When, however, the change in homes is known in advance and the relative or legally appointed guardian is paid only for the number of days during which the child is to be in his home and a warrant is issued to a boarding home for the remainder of the month, aid may be claimed on both the voucher and BHI claims in the amounts paid to each payee during that month.

**Example b:** A child is living in the home of a relative and ANC in the amount of \$22.50 is paid to the relative on January 1. On January 25, the child is placed in a boarding home at the same rate of aid. The relative gives the boarding home \$5.08 for the care of the child for the period January 25 through January 31 ( $7/31 \times \$22.50$ ). Aid is claimed only on the voucher claim in the amount of \$22.50 with the relative shown as payee. Form CA 232 shows the effective date as of February 1. (See Case No. 9, Form CA 801.)\*

**Example c:** A child receiving \$22.50 who is living in the home of a relative is to be placed in a boarding home on January 16 at a grant of \$20. This change is known in advance and two warrants are issued—one to the relative for \$10.89 ( $15/31 \times \$22.50$ ) and one to the boarding home for \$10.32 ( $16/31 \times \$20$ ). Aid is claimed on both the voucher and boarding home claims. Form CA 232 reports the change in payee and the decrease in aid effective as of January 16. (See Case No. 10, Form CA 801, and Case No. 4, Form CA 801 BHI.)\*

**Sec. 627-60 State and Federal Participation When Child Becomes Ineligible During Month Other Than Because of Eighteenth Birthday** **W&IC Secs. 1553; 1554; 1559; 1560** **627-60**

**ANC**

When a child in a family receiving ANC becomes ineligible during a month for some reason other than because of reaching his eighteenth birthday, the discontinuance of aid is not effective until the end of the month in which ineligibility occurs. ANC is allowed for the full month for such a child, except for a child living in boarding home or institution for whom board and care is paid only for the actual number of days in the home. (See Sec. 627-40, Partial Month Claims—Computation of Total Amounts.)

When the child for whom aid is discontinued is eligible for Federal participation, Federal participation is computed for the full month for such a child, not to exceed the Federal maximum.

**Example:** Three children eligible to Federal participation are receiving ANC at the rate of \$75 a month on January 1. On January 15, one child is placed in a public institution and ANC is discontinued on January 31. The total basis for State participation for the month of January is \$75 and the basis for Federal participation is \$42. (See Case No. 11, Form CA 801.)\*

**Sec. 627-70 Eighteenth Birthday—State and Federal Participation**

**ANC**

**W&IC Secs. 1522; 1553; 1560**

**627-70**

No aid under the ANC Law shall be paid on behalf of any child past his eighteenth birthday. Discontinuance is effective as of the date immediately preceding the birthday. Federal participation is based on the amount actually paid, not to exceed the Federal maximum. (See Sec. 105-15, Age, ANC Law; Sec. 627-80, Federal Participation on Children Between 16 and 18; Sec. 627-40, Partial Month Claims—Computation of Total Amounts; and Sec. 627-45, Partial Month Claims—Basis for Federal Participation.)

\* Examples of the various types of cases are shown on the sample forms in Sec. 629-99, County Aid Claim Forms.

## C. Who bears one of the following degrees of relationship:

- |   |  |
|---|--|
| 1. Father   | 14. Step-mother (but not her parents)          |
| 2. Adoptive father  | 15. Brother                                    |
| 3. Mother   | 16. Brother of the half-blood                  |
| 4. Adoptive mother  | 17. Brother-in-law                             |
| 5. Grandfather  | 18. Half-brother-in-law                        |
| 6. Grandfather-in-law (meaning the husband by a second marriage of one of the child's natural grandmothers) | 19. Adoptive brother                           |
| 7. Great-grandfather  | 20. Sister                                     |
| 8. Adoptive father of the child's natural parent  | 21. Sister of the half-blood                   |
| 9. Grandmother  | 22. Sister-in-law                              |
| 10. Grand-mother-in-law (meaning the wife by a second marriage of one of the child's natural grandfathers)  | 23. Half-sister-in-law                         |
| 11. Great-grandmother   | 24. Adoptive sister                            |
| 12. Adoptive mother of a child's natural parent   | 25. Step-brother                               |
| 13. Step-father (but not his parents)   | 26. Step-brother-in-law                        |
|   | 27. Step-sister                                |
|   | 28. Step-sister-in-law                         |
|   | 29. Uncle (of the half- or whole-blood)        |
|   | 30. Aunt (of the half- or whole-blood)         |
|   | 31. Uncle-in-law                               |
|   | 32. Aunt-in-law                                |
|   | 33. Great-uncle (including great, great, etc.) |
|   | 34. Great-aunt (including great, great, etc.)  |

**628-05 Sec. 628-05 Reporting of Cancelled Aid Warrants W&IC SECS. 1560; 2140; 3075; 3460**

OAS; ANB; APSB; ANC

Any warrants for which claims were allowed by the SDSW, and which are subsequently cancelled, shall be reported in their respective items on the Aid Affidavits (Form Ag, Bl, CA 800, CA 800 BHI). Detail is shown on the Report of Cancelled Warrants (Form Ag; Bl, CA 804) which accompanies each respective claim. Current cancellations shall be crossed off the Aid Pay Roll (Form Ag, Bl, CA 801, CA 801 BHI) and shall not be included in any totals on the aid claims. (See Sec. 611-90, Cancellation of Aid Warrants.)

**628-10 Sec. 628-10 State Audit of Aid Claims W&IC SECS. 1556; 2189; 3087.3; 3482**

OAS; ANB; APSB; ANC

County aid claims are audited to records in the office of the SDSW and certified to the State Controller in the amounts for which such aid claims are approved.

County aid claims are allowed according to the authorization in the SDSW files at the time of audit. Such authorization shall be forwarded to the SDSW immediately and must be received not later than 15 days after action by the board of supervisors to avoid loss of State and Federal participation in the amounts claimed. It is important that there be complete coordination between the county welfare department and the county auditor's office, or any other unit which prepares aid claims, to effect the prompt submission of all necessary documents supporting every aid claim, and to insure the inclusion of an aid claim for every approved case.

**628-20 Sec. 628-20 Aid Claim Correction W&IC SECS. 1556; 2189; 3087.3; 3482**

OAS; ANB; APSB; ANC

A claim letter notifies the counties of approval of aid claims or corrections and changes in amounts made during the aid claim audit by the SDSW. The reason for each change or correction is given to assist the counties in correcting continuing errors and to demonstrate the correct method of computing claims.

The county financial records should be reconciled to the claim correction letters so that State and county records agree. Questions should be immediately taken up with the SDSW.



Example b: Two children eligible for Federal participation are receiving aid at the rate of \$70 (\$60 basis for State participation and \$10 county supplemental aid). An additional child becomes eligible for ANC on January 13, who is also eligible for Federal participation. The monthly basis for State participation is increased to \$70 and ANC is continued at that rate. One warrant in the amount of \$70 is issued. The basis for State participation for the month of January is \$65.81 (computed as shown below), and the Federal basis is \$42. (See Case No. 16, Form CA 801.)\*

12 days @ \$60 = \$23.23

19 days @ \$70 = 42.90

Total basis for State  
participation ----- \$66.13

When, however, a supplemental warrant is drawn subsequent to the issuance of the first warrant because an additional child becomes eligible during the month, the amount subject to Federal matching is computed on the basis of each individual warrant.

Example c: Two children eligible to Federal participation are receiving ANC at the rate of \$45 on January 1. The family grant is increased to \$56 on January 14, when ANC is approved to begin for an additional child of the same family who is also eligible to Federal participation. The method of arriving at the total payment for that month is as follows:

13 days @ \$45 = \$18.87\*

18 days @ \$56 = 32.51

Total basis for State  
participation ----- \$51.38

At the beginning of the month, one warrant is drawn in the amount of \$45 for the first two children, and in the middle of the month a supplemental warrant in the amount of \$6.38 is issued to cover the increase for the third child.

The basis for Federal participation is \$30 in the first warrant of \$45 issued for the first two children, and \$6.38 in the supplemental warrant issued for the additional child, or a total of \$36.38 for the three children, instead of \$42. (See Case No. 17, Form CA 801.)\*

One warrant in the amount of \$56 is issued for the next month, if the children remain eligible for the same amount. The basis for Federal participation is \$42.

#### Sec. 627-90 Two or More Family Budget Units in One Household W&IC SECS. 1553; 1560

627-90

##### ANC

When two or more family budget units are maintaining the same household and there is a responsible person, as defined in Sec. 628-00, Payees Eligible Under Social Security Act, in charge of each family budget unit who receives separate monthly warrants, Federal participation is available in the amount of one-half of the grant up to a maximum of \$18 for one eligible child in each family, and up to a maximum of \$12 for each of the additional eligible children in each family. (See Case No. 4, Form CA 801.)\* When all of the children in a household are in the care and control of one person or the aid for all of the children in the household is paid to one person, Federal participation is allowed in the amount of one-half the grant up to a maximum of \$18 for only *one* eligible child in the household and up to a maximum of \$12 for each additional eligible child in the same household. (See Case No. 2, Form CA 801.)\*

#### Sec. 628-00 Payees Eligible Under Social Security Act W&IC SECS. 1553; 1560

628-00

##### ANC

Federal participation is available for ANC only when the child or children are living in the home of the person:

A. To whom the warrant is issued;

B. Whose signature appears either on the Application (Form CA 200), or on the Notice of Change (Form CA 232);

\* Examples of the various types of cases are shown on the sample forms in Sec. 629-99, County Aid Claim Forms.

## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

12-00

In the event that emergency assistance is necessary and the family cannot wait for the receipt of a warrant from the Swiss Legation, or an emergency requires an immediate increase in the payment, assistance should be advanced from county funds and reimbursement claimed from the Swiss Consul. (See Request for Reimbursement in Sec. WS 31-40.) When the family conditions have changed to an extent requiring an adjustment in the grant, a summary report should be sent by the county welfare department to the Swiss Consul authorizing such a change. (See Request for Change in Payment in Sec. WS 31-40.)

German citizens in need for reasons other than restrictive action, such as loss of employment due to prejudice who therefore are not eligible for service or assistance under the Enemy Alien Program may receive funds made available for German citizens provided they wish to be repatriated. In the same way that counties make arrangements for handling out-of-State inquiries, they may arrange with the consuls of Switzerland for investigating and reporting on cases for whom assistance is not available under enemy alien or other public assistance programs. In referring cases to the consuls, the county should consider carefully the possible results of such action and should avoid transferring cases now receiving public assistance since this may not meet the best interests of the families who, because of their loyalty to this country, may not wish to receive assistance from a foreign country.

Sec. WS 12-05 Source of Referrals of Swiss Legation Cases  
WSE

The Legation of Switzerland will refer all cases of German citizens coming to its attention to the SDSW. The nearest consul of Switzerland should be informed by letter that the inquiry has been received, and the approximate time the first contact will be made should be indicated in the letter.

When German citizens presumptively eligible for financial assistance through the Legation of Switzerland are referred from other sources, such as the Red Cross, the Department of Justice, or the State Department; or when a direct application is made it is not necessary to forward any information to the consular office, unless financial assistance is needed. When the applicant is in need, his desire for assistance from the German government, should be ascertained. Immediate aid may be issued by the county welfare department but the applicant should be referred to the Swiss Consul for an explanation of limitation of eligibility on the basis of repatriation. The procedure for obtaining assistance for such persons is the same as that for cases referred through the Legation.



## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

12-10

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Sec. WS 12-10 Report of Investigation on Swiss Legation Cases  
WSE

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When German nationals are referred to the Swiss Consul, the county will take the initiative in arranging an interview with the individual or family, preferably by a home visit. If at the time of the first interview it appears that the person referred is not in need of financial assistance and further contacts are not necessary, a letter should be sent to the Consulate of Switzerland, 100 Bush Street, San Francisco, stating these facts. The letter should contain enough information about the visit to substantiate the county's decision.

If at the time of the first interview it appears that financial assistance may be needed, a complete investigation should be made. On completion of the investigation, three copies of the "Social Data Report, German Citizens" should be filled out. (See Sec. WS 42-00). One copy is to be filed in the county's case record and the other two will be forwarded directly to the Swiss Consulate. Recommendation made by the county welfare department to the consul as to the amount of assistance to be paid to any German citizen should be accompanied by this form. The letter transmitting the social data report is the authorizing document and is to be signed by the person in the county welfare department who is authorized to approve expenditures of county funds under this plan.

In some instances all members of the family may be assisted from funds made available through the Legation of Switzerland. In other instances all members in the household will receive assistance from Federal funds made available under the plan for enemy aliens. In cases involving both German citizens eligible to funds from the Swiss Consul and others, only that part of the need of the family which is allocable to the eligible German citizen(s) should be included in the recommendation and entered on the Social Data report. In budgeting for family groups it is important to set forth an itemized budget. The share which has been determined to be that of the German citizen members of the household should be clearly shown. In determining the amount allocable to the German citizen(s) the county may use its established procedures for allocation of payments in families in which more than one type of assistance is being received.

See Sec. WS 11-60 for requirements regarding notification of decision.

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Sec. WS 12-15 Payment to Swiss Legation Cases  
WSE

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Upon review and approval of the Social Data Report by the consul of Switzerland, payments will be made directly by him to the payee on a monthly basis. Notification will be sent to the agency that payment has been forwarded.

After January 1, 1943, consuls will pay assistance only for those German nationals desiring to be repatriated. All cases where payments were due in January for a prior period will be paid by the Swiss Consul.

## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

13-00

Sec. WS 13-00 Joint Program of FSSB and Immigration and Naturalization Service  
WSE For Referring Requests of Persons in Custody for Services to  
Their Dependents

Many persons taken into custody by the Federal Government because they are regarded as potentially dangerous to the country may need immediate help in planning for the care of their dependents. When a husband or wife has been apprehended, plans may have to be made for the care of the family either in the community or elsewhere. Internment of a father may leave a family without support and in need of assistance. Detainment or internment of a mother of minor children may also present special problems. In some cases, the mother is unable to make arrangements for the care of her children when she is apprehended, and plans must be made for their care if they are not to suffer neglect. If the mother is interned, she will be out of the home for an indefinite period and continuing care must be provided for the children. Many families will have difficulty in comprehending or accepting their sudden change of circumstances. The promptness with which assistance and services are made available to these families may help them in planning for their future and give protection to the children that would otherwise be lacking.

Families in need of assistance and services should be referred to the county welfare departments. In order to give persons in the custody of the Division of Immigration and Naturalization Service of the Department of Justice and internees in camps operated by the War Department an opportunity to make request for necessary assistance and services for their families, the procedures for their referral to county welfare departments, outlined in Sec. WS 13-20, should be followed. These procedures were developed jointly by the Immigration and Naturalization Service and the FSSB after conference with the Alien Enemy Control Unit of the Department of Justice and the Office of the Provost Marshal General of the War Department. They implement the existing policies outlined in this handbook and are applicable to the care of dependents residing in the United States, the Virgin Islands, Puerto Rico, or the Territory of Alaska or of Hawaii.



## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

13-10

Sec. WS 13-10 Supervision of Internment Camps of Immigration and Naturalization  
WSE Service

Each district director of the Immigration and Naturalization Service listed in Sec. WS 91-15 is in charge of the detention and internment centers within his administrative district except for (1) the internment camps under the jurisdiction of the War Department and (2) the following seven alien internment camps whose officers in charge are directly responsible to the central office of the Immigration and Naturalization Service, Fifteenth and Chestnut Streets, Philadelphia, Pennsylvania:

Officer in Charge	Address
I. P. McCoy	Fort Lincoln, Bismarck, North Dakota
Bert H. Fraser	Fort Missoula, Montana
Ivan Williams	Kenedy, Texas
(J. L. O'Rourke )	
(Supervisor of Internment)	Seagoville, Texas
Ammon M. Tenney	Fort Stanton, New Mexico
(N. D. Collaer )	
(Supervisor of Alien Detention)	Crystal City, Texas
	Santa Fe, New Mexico
	(temporarily closed)

## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

13-20

Sec. WS 13-20 Referral Procedures  
WSE

When persons in the custody of the Department of Justice or the War Department request service to their dependents, such requests will be forwarded to the SDSW by the Immigration and Naturalization Service on Requests For Services by Persons Detained or Interned as Enemy Aliens (Form WS-E7). This form, which is to be filled out by the person in custody, will indicate the types of services he desires for his dependents, e.g., assistance with their plans to remain in the community or to be reunited with the interned members in a family internment camp. This form also contains identifying information about dependents for whom assistance or service is requested. Space is provided in which the official referring the request can give any supplementary information that is pertinent and can indicate any request for specific information from the county welfare department. Space is also provided for the report of the action taken by the county welfare department. For each referral, six copies of the form should be filled out.

The Immigration and Naturalization Service will supply copies of the form to all detention and internment centers and camps under its jurisdiction. As soon as possible after a person is taken into custody, the responsible official of the Immigration and Naturalization Service will explain that, if necessary, assistance and service by a public welfare agency are available to his family. If the person wishes assistance or service for his family, he will be requested to fill out the referral form.

A supply of the referral forms for the use of internees in requesting services to their families in the community will be made available to the camps operated by the War Department. The men now interned in these camps have already had an opportunity to indicate whether they wish their families to join them in a family camp.

The plan of referral provides that requests for service be sent by the person responsible for referring requests (as indicated below) direct to the SDSW in the State in which the dependents are living and that a copy be sent to the FSSB. In cases of voluntary internment in which it is difficult to arrive at a recommendation, the FSSB will be available to consult with the SDSW who will, in turn, advise the county welfare department.

The place of detention or internment of a person will determine the procedures to be followed in handling requests for service. When a person is moved from one place of detention or internment to another, a copy of the referral form and all correspondence relating to his family situation should be sent promptly to the new place of custody.



## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

13-20

When the detention and internment centers are under the direction of the district director of Immigration and Naturalization Service the following procedure shall be followed:

1. The district director will be responsible for referring requests for service originating in the detention and internment centers under his jurisdiction. Five copies of the referral form will be sent by the district director to the SDSW in the State in which the dependents are living and one copy will be sent simultaneously to the FSSB office in that region.

2. As soon as the investigation is made by the county welfare department and a plan for the family is decided upon, the county will return four copies of the referral form to the office of the district director of the Immigration and Naturalization Service to be distributed as follows: one to the district director's files, one to the place of detention or internment, and two to the central office of the Immigration and Naturalization Service. One copy should be kept in the county files. The county's report, which is to be entered on the referral form, should be a brief and concise statement giving the date or dates on which the family was seen and the plan for the family. The specific questions raised in the comment section should be answered; if no need was found for any one of the services circled in item I, this fact should be noted so that the person in custody may know that consideration has been given to each of the services requested.

When the alien internment camps are under the direct supervision of the central office of the Immigration and Naturalization Service the following procedure shall be followed:

## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

13-20

1. The officer in charge of the alien internment camp will be responsible for referring requests for service originating in the camp under his jurisdiction. Five copies of the referral form will be sent by the officer in charge to the SDSW in the State in which the dependents are living and one copy will be sent simultaneously to the FSSB office in that region.

2. As soon as the investigation is made by the county welfare department and a plan for the family is decided upon, the county will enter its report on all copies and will return four copies of the referral form to the officer in charge from whom the request came. One copy should be kept in the county files.

When the internment camps are operated by the War Department, the following will be the procedure:

1. Pending further instructions, the central office of the Immigration and Naturalization Service in Philadelphia will assume responsibility for referring requests for service originating in the internment camps operated by the War Department, all copies of the form to be forwarded by the camp official to that office. Five copies of the referral form will be sent by the central office to the SDSW in the State in which the dependents are living and one copy will be sent simultaneously to the FSSB office in that region.

2. As soon as the investigation is made by the county welfare department and a plan for the family is decided upon, the county will enter its report on all copies and will return four copies of the referral form to the central office of the Immigration and Naturalization Service. One copy should be kept in the county files.

Sec. WS 13-30 Contacts and Correspondence by County Welfare Departments  
WSE with Persons in Custody

The county welfare department may find it advisable or necessary either during the investigation of the request for service, or at a later period, to consult the person in custody or to obtain information from him through correspondence about the plan for the care of his family.



## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

13-30

The procedures described in Sec. WS 11-45 for obtaining access to interned persons apply only to persons interned in camps operated by the War Department. County welfare departments should write direct to the district director or to the officer in charge in the cases of aliens interned in one of the camps listed in Sec. WS 13-10, for permission to consult with persons in the custody of the Immigration and Naturalization Service. Interviews with persons in custody should be requested only in unusual circumstances and at no time should the county welfare department become involved in a discussion of the facts relating to the reason for apprehension or the length of internment. Regulations prohibit such discussion. Interviews may be held only with the person or persons whom the agency has obtained permission to visit.

If the county welfare department wishes to correspond with the person in custody, inquiry letters should be directed to him in care of the person in charge of the detention center or internment camp.

Sec. WS 13-40 Factors in Making Social Determinations and Recommendations  
WSE Relating to Plans for Reuniting a Family in a Family Internment  
Camp

Some of the internment camps operated by the Department of Justice have facilities for family groups. If a husband or wife alone is interned and the family has requested voluntary internment so that they may be reunited in a family group, the county welfare department will be requested by the Immigration and Naturalization Service to make a social determination and recommendation as to whether they should be placed in a family camp. Some of these cases will involve questions as to whether children should be united with their parents in a family camp or remain in the community.

The report made by the county welfare department to the Immigration and Naturalization Service should indicate available facilities in the community for the care of the noninterned members of the family group. If voluntary internment is suggested, the report should state clearly why this plan is recommended as preferable.

When the Department of Justice has taken action on a case between the time of its referral for social determination and recommendation as to voluntary internment and the time of investigation by the county welfare department, this fact should be noted on the referral form and no further investigation is necessary, so far as the Department of Justice is concerned.





## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

13-40

Final decision as to whether the family will be reunited in a family camp rests with the Department of Justice.

In connection with requests for social determination and recommendation, the following points may be of interest to the county welfare departments.

1. In general, voluntary internment is final and irrevocable in that families who enter a family camp may not be released except in unusual circumstances. This point is carefully explained to the individuals before final decision concerning voluntary internment is made, and a document accepting this condition is to be signed by the adult members of the family.
2. The dependents now living in the community may be considering voluntary internment because they do not know that assistance may be available to them. Available local resources should be explored to make it possible for the wife and children to remain in the community and maintain a reasonable standard of living unless this is impracticable owing to unusual circumstances. Many of these families find themselves isolated from their friends and neighbors following internment of a member of the household. The American Friends Service Committee, the International Institute, family welfare agencies, and other private organizations in the community may be available to give specialized service to these families.
3. Voluntary internment in family camps operated by the Immigration and Naturalization Service is provided for those cases in which there is special reason to advise this type of care. It is important to indicate that it is not the Government's preferred plan for the care of families. Voluntary internment may be desirable in a limited number of situations in which the wife, aged parent, or other dependent is emotionally unable to make an adjustment alone in the community; when the dependent is ill and the resources for his care in the community are not available; when it is desirable but impracticable to move the family to another community; and when disaffection will result if the family remains in the community.

WAR SERVICES

ASSISTANCE TO ENEMY ALIENS

13-40

4. In cases in which both the husband and the wife are interned, children may be admitted to the family camps upon application. Voluntary internment of older children is not encouraged, however, since life within the camps has little to offer them; and departure from the camps, once admission is granted, is forbidden.
5. Families entering the camps may take wearing apparel and strictly personal effects. They may not take bedding, silverware, furniture of any kind, or pets.
6. The camps provide simple living facilities but no luxuries. Necessary clothing and medical and dental care are supplied. All maintenance work in connection with the operation of the camps is done by the internees and each person is required to work without remuneration.

The family camp at Crystal City, Texas, now being completed, was formerly an agricultural migratory labor camp and will be developed as an agricultural project. Housekeeping units for large families are provided. Small families will eat in central dining rooms.

The family camp at Seagoville, Texas, built about 3 years ago as a modern reformatory for women, has been converted into an internment camp. A number of portable Army huts have been provided for individual family units. The remaining camp population live in large brick cottages housing 40 to 60 families. There is a dining room for each cottage.

7. In very exceptional cases in which a woman is to be interned and her family is residing in the vicinity of Ellis Island, New York, Gloucester, New Jersey, or Sharp Park, California, the Immigration and Naturalization Service may be able to arrange internment in the Alien Detention Station in that locality, thus making it possible for members of the family to visit her while they remain in the community.



## WAR SERVICES

## ASSISTANCE TO ENEMY ALIENS

13-40

8. Within the framework of the present law, internment is not a reason for deportation. Voluntary internment is not in itself a reason for denaturalization or for any change in the person's legal status other than that he is required to accept camp discipline. This information may be given to the family group during the social investigation.
9. At the present time the United States cannot guarantee repatriation to belligerent countries.
10. Question has been raised as to whether the Government considers the family camp a punitive institution or an institution that will be run as an educational institution to develop future citizens. It is neither. Internment is the detention of an enemy alien regarded as potentially dangerous and is a step taken as a precautionary measure in the interest of national security. There is a sharp distinction between "incarceration" and "internment." The purpose of the latter is not to rehabilitate, nor to punish, but merely to detain. Conditions of detention follow those prescribed by the Geneva Convention relating to prisoners of war (Treaty Series No. 846), although it may be said that the treaty standards are regarded as minimum standards to be followed, and every effort is made to enable the internees to lead as nearly normal lives as possible under camp conditions, consistent, of course, with proper security and economy.

FEDERAL SECURITY AGENCY  
SOCIAL SECURITY BOARD  
BUREAU OF PUBLIC ASSISTANCE

## REQUEST FOR SERVICES BY PERSONS DETAINED OR INTERNEED AS ENEMY ALIENS

A. NAME OF APPLICANT..... B. COUNTRY OF CITIZENSHIP.....  
(LAST NAME) (FIRST NAME) (MIDDLE NAME)

C. HOME ADDRESS AT TIME TAKEN INTO CUSTODY.....  
(NUMBER) (STREET) (CITY, TOWN, OR VILLAGE) (STATE)

D. NAME OF DETENTION CENTER OR INTERNMENT CAMP.....

E. STATUS (CHECK ONE): DETAINED..... INTERNEED..... F. IF INTERNEED, GIVE SERIAL NUMBER.....

G. RELATIVES OF APPLICANT AT PRESENT DETAINED OR INTERNEED AND PERSONS DEPENDENT ON APPLICANT FOR ANY PORTION OF THEIR SUPPORT

	NAME (A)	AGE (B)	RELATIONSHIP TO APPLICANT (C)	COUNTRY OF CITIZENSHIP (D)	PRESENT ADDRESS (E)
1					
2					
3					
4					
5					
6					
7					
8					

H. ARRANGEMENTS MADE FOR TEMPORARY CARE OF PERSONS DEPENDENT ON APPLICANT LISTED IN ITEM G.....

I. SERVICES DESIRED BY APPLICANT FOR HIS DEPENDENTS (CIRCLE EACH NUMBER APPLICABLE):

- |  |   |
|--|---|
| 1. FINANCIAL ASSISTANCE                | 5. MEDICAL CARE   |
| 2. HELP IN ARRANGING PERSONAL AFFAIRS  | 6. PLANNING FOR CHILDREN (SUCH AS CARE BY RELATIVES OR IN BOARDING HOME, PLANS FOR SCHOOLING, ETC.) |
| 3. MOVING OR FINDING ANOTHER RESIDENCE | 7. OTHER (SPECIFY).....   |
| 4. OBTAINING EMPLOYMENT                |   |

REMARKS.....

J. WITH WHOM SHOULD THE PROBLEMS INDICATED ABOVE BE DISCUSSED?

- |                 |  |
|-----------------|--|
| 1. NAME.....    | 3. LANGUAGE, IF ENGLISH IS NOT SPOKEN..... |
| 2. ADDRESS..... | 4. RELATIONSHIP TO APPLICANT.....          |

SIGNATURE OF APPLICANT..... DATE.....

NAME OF OFFICIAL TO WHOM REPORT OF ACTION IS TO BE SENT.....

TITLE..... ADDRESS.....

NOTE: THIS FORM FOR REFERRING REQUESTS TO THE PUBLIC WELFARE AGENCY ASSISTING ENEMY ALIENS MAY BE FILLED OUT BY THE PERSON REQUESTING SERVICES FOR HIS DEPENDENTS OR MAY BE FILLED OUT FOR HIM BY AN OFFICIAL OF THE IMMIGRATION AND NATURALIZATION SERVICE OR OF THE WAR DEPARTMENT. IN ANY CASE, THE FORM SHOULD BE SIGNED BY THE APPLICANT. SIX COPIES OF THE FORM ARE REQUIRED.



APPENDIX G COMMENTS BY THE OFFICER IN CHARGE OF THE DETENTION CENTER OR INTERNMENT CAMP

(GIVE ANY SUPPLEMENTARY INFORMATION WHICH IS PERTINENT AND INDICATE ANY SPECIFIC INFORMATION DESIRED FROM THE PUBLIC WELFARE AGENCY.)

REPORT OF ACTION TAKEN BY THE PUBLIC WELFARE AGENCY

(GIVE A BRIEF SUMMARY, INCLUDING A STATEMENT OF ACTION TAKEN ON SPECIFIC REQUESTS MADE BY APPLICANT AND THE INFORMATION DESIRED UNDER COMMENTS ABOVE.)

## 5. UNITED STATES EMPLOYEES' COMPENSATION COMMISSION DISTRICT OFFICE

<u>District</u>	<u>Deputy Commissioner</u>	<u>Address</u>
No. 13	Warren H. Pillsbury	105 Federal Office Building, Fulton at Market Streets San Francisco, Calif.

## 6. VETERANS ADMINISTRATION REGIONAL OFFICES AND FACILITIES HAVING REGIONAL OFFICE ACTIVITIES

San Francisco, California  
Los Angeles, California

## 7. LIST OF DISTRICT DIRECTORS, UNITED STATES DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE

Irving F. Wixson, 801 Silver Avenue, San Francisco, California.  
The San Francisco district includes that part of the State of California lying north of the counties of San Luis Obispo, Kern, and Inyo.

Albert Del Guercio, Room 1330, Post Office Building, Los Angeles, California.

The Los Angeles district includes that part of the State of California lying south and east of the counties of Monterey, Kings, Tulare, Fresno, and Mono.

## 8. RECRUITMENT AND MANNING ORGANIZATION, WAR SHIPPING ADMINISTRATION

Field Organization

Mr. Guy E. Needham  
Pacific Coast Regional Representative  
Recruitment and Manning Organization  
200 Bush Street  
San Francisco, California

Mr. Andrew G. Wilson  
Port Representative  
Recruitment and Manning Organization  
642 Avalon Boulevard  
Wilmington, California



MAIN OFFICE  
SACRAMENTO  
616 K STREET

LOS ANGELES OFFICE  
WASHINGTON BLDG.  
311 SOUTH SPRING STREET

SAN FRANCISCO  
DAVID HEWES BLDG.  
995 MARKET STREET

EARL WARREN  
GOVERNOR

STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING  
DIRECTOR

Sacramento  
June 2, 1943

SOCIAL WELFARE BOARD  
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1680 N. VINE ST.  
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JOHN C. CUNEO  
922 J. STREET  
MODESTO

HEBER JAMES BROWN  
1440 BROADWAY  
OAKLAND

1297

MANUAL LETTER NO. 37

You receive herewith the Chapter on Income, Real Property Chapter, Revision 45, Personal Property Chapter, Revisions 23, 24, and 25, Relatives Chapter Revisions 13 and 14, Glossary, Revision 1, and an additional page for the Chapter on Continuing Services. This material is to be entered in your copy of the Manual of Policies and Procedures, and the revision numbers cancelled on the separators for the revised chapters.

These revisions and the additional material for Continuing Services were adopted by the SSWB on April 28, 1943. All revisions become effective immediately. All actions by boards of supervisors on Applications and Notices of Change 90 days or later from the date of issuance of these revisions shall be in accord with them.

Your attention is directed particularly to the following:

Sec. 148-57 is a new section covering determination of ownership of war bonds when co-owner is named.

Secs. 150-00, 150-10, 150-20, 150-30, and 152-90 are listed on the Table of Contents for the Income Chapter, but are not being sent to you at this time. These sections will be issued at a later date in accordance with the provisions set forth in the new law.

Secs. 151-60 and 152-70 set forth a new policy on consideration of allowances to dependents of servicemen.

Sec. 151-90 contains a new statement of policy regarding income from crops.

Sec. 152-00 includes a new policy in regard to receipt of final payment from property sold under contract of sale.

Sec. 153-50 sets forth a new policy covering payments from inmates of forestry camps.

One Form CA 232-Rev. may be used to report more than one action of the board of supervisors on the same case *provided* all actions of the board of supervisors take place on the same day.

Example: On March 28, 1943, the board of supervisors acts to discontinue ANC effective February 28, 1943, for a child who died February 11, 1943, and to discontinue ANC for another child who became 18 on March 24, 1943. On the same date, the board of supervisors acts to decrease ANC effective April 1, 1943, for two remaining children.

When one Form CA 232-Rev. is used to report more than one action Columns 1 through 5 shall be completed separately for each action.

Example:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
John	2-28-43	Disc.	(Enter total grant	Yes
Gale		No Change	after discontinuance	x
Joe		" "	of ANC for John)	x
Ann		" "		
Gale	3-23-43	Disc.	(Enter total grant	x
Joe		No Change	after discontinuance	x
Ann		" "	of ANC for Gale)	x
Joe	4- 1-43	Decrease	(Enter total grant	x
Ann		" "	effective 4-1-43)	x

**Reason for change:** This section is for reporting reasons for change *except* discontinuances which are reported under Section II.

**Increase:** State reason for need of increased grant.

**Decrease:** State reason for decreased grant. If decrease is due to income or increased income, give the source from which such income is being received.

**Restoration:** In reporting restoration, information should be given in this space as to the reason that the child/children again became eligible subsequent to the discontinuance of ANC.

**Change of payee:** Give the exact date of change of placement.

363-10 **Sec. 363-10 Discontinuance of Aid, Section II of Notice of Change** W&IC Sec. 1560

**ANC**

Complete this section for discontinuance whether for one child or all children of a family group.

If ANC is to be discontinued for more than one child and the dates required under Items A, B and C of Section II differ for the children, complete Items A, B and C for one child and enter in the margin at the left of Item A the number of the child, as shown in Section I, Column 1. For the other child or children, record at the bottom of Section II, the number of the child, as shown in Section I, Column 1, followed by dates required under Items A, B, and C, properly identified.

Item A. Record here the date on which ineligibility occurred; i.e., the date on which eligibility ceased for any one of the reasons enumerated under Item E of Section II. When ineligibility is due to earnings, the date of ineligibility is not necessarily the date employment began, but rather the date when the earnings actually received plus other income fully meet the family's needs.

Item B. Record the date on which the facts causing discontinuance of ANC for the child/children came to the attention of the county.

Item C. Record the date on which ineligibility was verified by the county.

Item D. Check the symbol designating the classification under which ANC was being granted at the time of discontinuance.

Item E. Reason for discontinuance:

If ANC is to be discontinued for more than one child and the reasons for discontinuance are different, check one item for each child, and enter in the margin at the left of the check mark the number of the child, as shown in Section I, Column 1.

Only the principal reason should be checked for each child. If there is more than one reason, note the additional reasons at the bottom of Section II. When in doubt as to the principal reason, check the one which first came to the attention of the county.



**Sec. 363-00 General Instructions, Notice of Change, ANC** W&IC Sec. 1560

363-00

The Notice of Change (Form CA 232-Rev.) is divided into five numbered sections in order to facilitate referral to any particular section of the form.

Section I is for reporting information regarding:

- A. Type of change except for change of school status of child/children 16 to 18, who are otherwise eligible for Federal participation. (See Section III.)
- B. Reason for change, except reason for discontinuance. (See Section II.)

Section II is for reporting information regarding the discontinuance of ANC.

Section III is for reporting a change of school status of child/children 16 to 18 who are otherwise eligible for Federal participation.

Section IV is for:

- A. Signature, address and relationship of payee for child/children in home eligible for Federal participation.
- B. The county official's signature certifying that the county has on file the signature of payee for child/children in home ineligible for Federal participation or in an institution.

Section V is for recording the action of the County Board of Supervisors.

**Sec. 363-05 Recording on Top of Form and Section I of Notice of Change, ANC** W&IC Sec. 1560

363-05

Under identifying information at the top of the Notice of Change (Form CA 232-Rev.) record the name of county, State and county numbers, date form is prepared, and family name.

Payee from Date of Change: Record the name of the person to whom warrants will be drawn for the care of child/children on and after the effective date of this Form CA 232 Rev. If there is more than one payee for children receiving ANC under the same case number, record name of each payee followed by number in Column 1 which corresponds to child's name.

Complete Section I for increase, decrease, restoration, change of payee, or discontinuance. (Reason for discontinuance is reported under Section II.)

Column 1. Record first name of each child receiving ANC under the case number shown under identifying information.

Column 2. Record effective date of increase, decrease, restoration, change of payee, or discontinuance.

Column 3. Record nature of change; i.e., increase, decrease, restoration, change of payee, or discontinuance opposite the name of each child affected by change. If all children are not affected by the change, enter "No change" opposite the name of each child for whom no change is being made.

Column 4. Record the full monthly rate on which the grant has been computed, that is, the monthly grant including all cash aid paid, to meet the budgetary deficiency, or the charge for care for the child or children. In other words, the figure reported in Column 4 should not be limited to the maximum basis for State participation, if more than \$31.50 for one child and \$28.50 for each additional child eligible for Federal participation and \$22.50 for each child ineligible for Federal participation is actually being paid. If the change is effective subsequent to the first day of the month, the monthly rate of the grant rather than the prorated amount actually paid for that month should be recorded.

Column 5. This column shall be completed for each child listed in Column 1. Check "Yes" if child is under 16 and living with eligible payee, or, is over 16, and living with eligible payee and enrolled in school. (See Secs. 628-00, Payees Eligible under Social Security Act, and 235-20, School Attendance as Requirement for Federal Participation.)

Check "No" if child is:

1. Living with payee who is a non-relative, or
2. Living with payee of a degree of relationship other than those listed in Sec. 628-00, or
3. Is in a boarding home or institution, or
4. Is over 16 and not enrolled in school.

- Item E8. **Parent discharged from institution.** Check this item when the discharge of a parent from an institution renders the child/children ineligible for ANC. (See Sec. 193-30, Classification of Half-Orphan, Parent Committed to Institution (P.C.I.).)
- Item E9. **Father no longer incapacitated for gainful work.** Check this item if a child/children becomes ineligible because the CIF or TBF father is no longer incapacitated for gainful employment, according to physicians report, or is, in fact, gainfully employed.
- Item E10. **Whereabouts of absent parent known.** Check this item when determination of the whereabouts of the parent makes the child/children ineligible for ANC. This refers to the following classifications: WFU; HO, based on presumptive death of parent; and abandoned child, when eligibility is established other than by court order.
- Item E11. **Transferred to \_\_\_\_\_ County.** Check this item when ANC is discontinued because of a transfer to another county under the provisions of Section 1527, W&I.C. Enter the name of the county. (See Sec. 370-00, Transfer of Aid.)
- Item E12. **Moved out of State—loss of State residence.** Check this item when ineligibility occurs because of loss of State residence.
- Item E13. **Other.** Check this item when ANC is discontinued for some reason other than those listed under Items E1 through E12. Explain in detail the reason, or reasons, for discontinuance; such as, death, paternity admitted, etc.
- Item F. Should repayment of aid be due, state reason and possibility of, or plan for collection.

363-15 **Sec. 363-15 Recording Change of School Status on Section III of Notice of Change**

ANC

W&I.C. Sec. 1560

A change of school status for child/children 16-18, otherwise eligible for Federal participation shall be recorded as follows:

Record name of child, date of enrollment or date of termination, and date of verification by county. This section shall be signed by the county public assistance worker reporting the change of school status.

363-20 **Sec. 363-20 Recording Change of Payee on Section IV of Notice of Change** W&I.C. Sec. 1560

ANC

Sec. IV is to be completed when reporting change of payee.

- Item A. If child/children is in home eligible for Federal participation, secure the signature of the eligible payee, indicating relationship of payee to child/children and address where child/children will be maintained.

The Notice of Change (Form CA 232-Rev.) bearing the signature of the eligible payee shall be retained in the county file. The copy forwarded to the SDSW need not bear the signature of the eligible payee, provided it shows the name, relationship and address of the eligible payee and bears the county official's statement that the signature of the eligible payee is on file in the county office.

- Item B. If child/children is in a home ineligible for Federal participation, secure the signature of the county official or other person responsible for placement of the child/children.

363-25 **Sec. 363-25 Approval by the Board of Supervisors on Section V of the Notice of Change**

ANC

Record the name of county, and date of action by the county board of supervisors. The Notice of Change (Form CA 232-Rev.) shall bear either the original or facsimile signature of the county clerk or deputy. A facsimile signature shall be affixed either by or under the special authority of the county officer whose signature is thus affixed.



Item E1. Now receiving adequate care due to:

- a. **Employment or increased earnings of child receiving ANC.** Check this item if the employment or increased earnings of a child receiving ANC increase the resources to such an extent that ANC is no longer necessary.
- b. **Employment or increased earnings of father.** Check this item if the employment or increased earnings of the father increase the resources to such an extent that ANC is no longer necessary. Do not check this item for TBF or CIF cases; enter such cases under Item E9, "Father no longer incapacitated for gainful work." Do not check this item for support by stepfather. For such cases check Item E1(e).
- c. **Employment or increased earnings of mother.** Check this item if the employment or increased earnings of the mother increase the resources to such an extent that ANC is no longer necessary.
- d. **Employment or increased earnings of minor children in family budget unit who are not receiving ANC.** Check this item if employment or increased earnings of minor children in the family budget unit who are not receiving ANC increase the resources to such an extent that ANC is no longer necessary.
- e. **Support by stepfather.** Check this item when the stepfather assumes and actually provides adequate support for child/children receiving ANC.
- f. **Marriage of child (support by spouse).** Check this item when the spouse of a child provides support.
- g. **Contributions from other persons.** Check this item if contributions from persons outside the family budget unit increase the resources to such an extent that ANC is no longer necessary. (These persons may or may not be living in the household.)
- h. **Receipt of allotments and allowances to dependents of men in the armed forces.** Check this item when receipt of an allowance from a service man increases the resources to such an extent that ANC is no longer necessary.
- i. **Income from other sources.** Check this item when income from sources other than those included in items "a" through "h" increase the resources to such an extent that ANC is no longer necessary. Specify the type of income; such as, unemployment compensation, OASI, veteran's benefits, etc. See Sec. 141-05, Types of Personal Property, for distinction between personal property and income.

Item E2. **Excess assets acquired subsequent to approval.** Check this item if ANC is discontinued because the child, children and/or parents come into possession of real property, cash and/or securities, in excess of that permitted under ANC law. See Sec. 141-05, Types of Personal Property, for distinction between personal property and income.

Item E3. **Child reached 18th birthday.** Check this item if ANC is discontinued because the child reached his 18th birthday.

Item E4. **Child admitted to institution.** Check this item if ANC is discontinued because the child entered an institution such as a State or county hospital, detention home, or Indian school. Insert the name of the institution.

Item E5. **Child joined armed forces.** Check this item if ANC is discontinued for the child because he joined the armed forces.

Item E6. **Subsequent information disproves eligibility previously established.** Check this item if ANC is discontinued because subsequent information indicates that the child/children have never been eligible for ANC. This item assumes that the information, either unintentionally or fraudulently concealed, was not known at the time the case was accepted, although the investigation is assumed to have been adequate.

Item E7. **Change in policy.** Check this item if ANC is discontinued because a change in legal or administrative policy makes the child/children ineligible at the time of the change, although previously eligible. Do not include here discontinuances because of *refusal* to comply with a requirement adopted or modified after acceptance of the case; place such cases under Item E13, "Other", and explain.

FORM CA 232

W&amp;IC Sec. 1560

FORM CA-232 (revised)—April, 1943  
STATE OF CALIFORNIA  
DEPARTMENT OF SOCIAL WELFARE

# NOTICE OF CHANGE AID TO NEEDY CHILDREN

County \_\_\_\_\_ County No. \_\_\_\_\_ State No. \_\_\_\_\_  
Date \_\_\_\_\_  
Family Name \_\_\_\_\_  
Payee from Date of Change \_\_\_\_\_

## SEC. I.

1	2	3	4	5	
				ELIGIBLE FEDERAL PARTICIPATION	
NAMES OF CHILDREN	Effective Date of Change	NATURE OF CHANGE Increase, Decrease, Restoration, Change of Payee, or Discontinuance	TOTAL AMOUNT CHILDREN'S AID PER MONTH GRANTED FROM DATE OF CHANGE	Yes	No
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Reason for Change: (Except Discontinuance) In reporting decrease—Give source of income

## SEC. II.

## COMPLETE THIS SECTION FOR DISCONTINUANCE ONLY

- A. Date ineligibility occurred \_\_\_\_\_ B. Date of discovery \_\_\_\_\_ C. Date ineligibility verified \_\_\_\_\_  
D. Classification: ☐ WO ☐ HO ☐ WFU ☐ ILLEG. ☐ PCI ☐ CIF ☐ TBF ☐ ABD. ☐ FDLG.  
E. Reason for discontinuance:  
1. NOW RECEIVING ADEQUATE CARE DUE TO:  
☐ A. Employment or increased earnings of child receiving ANC  
☐ B. Employment or increased earnings of father  
☐ C. Employment or increased earnings of mother  
☐ D. Employment or increased earnings of minor children in family budget unit who are not receiving ANC  
☐ E. Support by stepfather  
☐ F. Marriage of child (support by spouse)  
☐ G. Contributions from other persons  
☐ H. Receipt of allotments and allowances to dependents of men in the armed forces  
☐ I. Income from other sources (specify below)  
☐ 2. Excess assets acquired subsequent to approval  
☐ 3. Child reached 18th birthday  
☐ 4. Child admitted to institution  
Name of Institution \_\_\_\_\_  
☐ 5. Child joined armed forces  
☐ 6. Subsequent information disproves eligibility previously established (explain below)  
☐ 7. Change in policy (specify below)  
☐ 8. Parent discharged from institution  
☐ 9. Father no longer incapacitated for gainful work  
☐ 10. Whereabouts of absent parent known  
☐ 11. Transferred to \_\_\_\_\_ county  
☐ 12. Moved out of State—loss of State residence  
☐ 13. Other (specify below)  
F. Should repayment of aid be due, state reason, and possibility of or plan for its collection.

## SEC. III.

## Complete This Section for Change of School Status Children, 16-18, Otherwise Eligible for Federal Participation

NAME OF CHILD \_\_\_\_\_ DATE OF ENROLLMENT—OR—DATE OF TERMINATION \_\_\_\_\_ DATE OF VERIFICATION \_\_\_\_\_

[SIGNED] \_\_\_\_\_

SIGNATURE OF COUNTY PUBLIC ASSISTANCE WORKER

## SEC. IV. A. Child is in home eligible for Federal participation

I herewith make application for Aid to Needy Children for the above named children who will be maintained by me in my home.

[SIGNED] \_\_\_\_\_

SIGNATURE OF PAYEE AND RELATIONSHIP

## B. Child is in home ineligible for Federal participation

I HEREBY CERTIFY That the signature of the new payee is contained in the county files.

[SIGNED] \_\_\_\_\_

SIGNATURE OF COUNTY OFFICIAL OR OTHER PERSON RESPONSIBLE FOR PLACEMENT OF CHILDREN

SEC. V. Approved by the Board of Supervisors of the County of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

RESERVE FOR STATE

[SIGNED] \_\_\_\_\_

COUNTY CLERK OR DEPUTY

SIGNATURE OF REVIEWER

COUNTY: To be used for ONE case only

Submit two copies to State Department of Social Welfare for Discontinuances, Restorations, and Changes of Payee  
One copy for other changes

SUBMIT ONE COPY OF ALL CHANGES TO COUNTY AUDITOR

23403 5-43 50M  
STATE PRINTING OFFICE



FORM AG 232 (revised)—December, 1941  
(Formerly Ag 10)STATE OF CALIFORNIA  
DEPARTMENT OF SOCIAL WELFARE

## NOTICE OF CHANGE

## Notice of Change

DIVISION FOR THE AGED

County.....

Date.....

Name.....

State No.....

County No.....

Change	Effective Date of Change	Total Amount Aged Aid Per Month Granted from Date of Change*	INCOME OTHER THAN AGED AID		Actual Amount of Verified Items (To be used only when need is in excess of \$40)	Nature and Amount of Each Excess Need and How Verified (ANSB Only)
			Total Income Other Than Aged Aid	Sources and Amounts of Income		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
DECREASE						
INCREASE						
RESTORATION						
PAYMENT TO COUNTY FOR HOSPITAL CARE						
RELEASE FROM COUNTY HOSPITAL						
CHANGE IN NEED OR INCOME. NO CHANGE IN GRANT						
TOTAL						

\* For payment to county for hospital care, report total amount to which eligible if not confined.

Reason for Change: State Definite Reason for Change. (Give date of release from institution if restored for this reason.)

## USE THIS SECTION FOR DISCONTINUANCES ONLY

Complete all applicable items

- A. Effective date of discontinuance.....
- B. Date of discovery of facts causing discontinuance.....
- C. Date of last previous county investigation.....
- D. Reason for Discontinuance (Check principal reason only)
- ☐ 1. Death. Date.....
- ☐ 2. Admitted to public institution. Date..... Institution.....
- ☐ 3. Subsequent information disproves eligibility originally established (explain below)
- Excess Income (check source and complete Item E)
- ☐ 4. Old age retirement benefits
- ☐ 5. Survivors' benefits
- ☐ 6. Unemployment compensation
- ☐ 7. Earnings
- ☐ 8. Contribution from earnings of spouse
- ☐ 9. Contribution from other resources of spouse
- ☐ 10. Contribution from adult children
- ☐ 11. Contribution from other relatives
- ☐ 12. Income from property. Specify.....
- ☐ 13. Income from other sources. Specify.....
- ☐ 14. Excess property } (Also complete Item E)
- ☐ 15. Transfer of property }
- ☐ 16. Accepted for Aid to Needy Blind
- ☐ 17. Transferred to..... County.....
- ☐ 18. Loss of State residence. Moved out of State.
- ☐ 19. Other reason (explain fully below)
- E. Additional detail on discontinuances due to income or property. (Do not omit)
1. Total amount of income \$.....
2. Type of property.....
3. Value of property \$.....
4. Date first received or acquired.....
5. Date property transferred.....
- F. Should a refund be due, state possibility of or plans for its collection below.

Approved by the Board of Supervisors of the County of..... this..... day of..... 19.....

RESERVE FOR STATE

[SIGNED]

County Clerk or Deputy

Signature of Reviewer

COUNTY: To be used for ONE case only

Submit two copies to State Department of Social Welfare for discontinuances, restorations, payment to county for hospital care and release from county hospital; one copy for other changes.

SUBMIT ONE COPY OF ALL CHANGES TO COUNTY AUDITOR

FORM AG 232

FORM BL 232 (revised)—December, 1941  
(Formerly Bl 11)STATE OF CALIFORNIA  
DEPARTMENT OF SOCIAL WELFARE

## NOTICE OF CHANGE

## Notice of Change

DIVISION FOR THE BLIND

County.....

Date.....

Name.....

State No.....

County No.....

Aid granted under (Check one)

☐ Aid to Needy Blind☐ Aid to Partially Self-supporting Blind Residents

Change	Effective Date of Change	Total Amount Blind Aid Per Month Granted from Date of Change	INCOME OTHER THAN BLIND AID		Actual Amount of Verified Items (To be Used Only for ANSB When Need is in Excess of \$20)	Nature and Amount of Each Excess Need and How Verified (ANSB Only)
			Total Income Other Than Blind Aid	Sources and Amounts of Income		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
DECREASE						
INCREASE						
RESTORATION						
CHANGE IN NEED OR INCOME. NO CHANGE IN GRANT						
TOTAL						

Reason for Change: State definite reason for change. (Give date of release from institution if restored for this reason.)

## USE THIS SECTION FOR DISCONTINUANCES ONLY

Complete All Applicable Items

- A. Effective date of discontinuance.....
- B. Date of discovery of facts causing discontinuance.....
- C. Date of last previous county investigation.....
- D. Reason for discontinuance (Check principal reason only)
- ☐ 1. Death. Date.....
- ☐ 2. Admitted to public institution. Date..... Institution.....
- ☐ 3. Subsequent information disproves eligibility originally established (Explain below)
- Excess income (Check source and complete Item E)
- ☐ 4. Old age retirement benefits
- ☐ 5. Survivors' benefits
- ☐ 6. Unemployment compensation
- ☐ 7. Earnings
- ☐ 8. Contribution from earnings of spouse
- ☐ 9. Contribution from other resources of spouse
- ☐ 10. Contribution from other responsible relatives
- ☐ 11. Contribution from other relatives
- ☐ 12. Income from property. Specify.....
- ☐ 13. Income from other sources. Specify.....
- ☐ 14. Excess property } (Also complete Item E)
- ☐ 15. Transfer of property }
- ☐ 16. Accepted for APSB or ANB
- ☐ 17. Transferred to..... County.....
- ☐ 18. Loss of State residence. Moved out of State
- ☐ 19. Present vision exceeds standard for blindness
- ☐ 20. Other reason (Explain fully below)
- E. Additional detail on discontinuances due to income or property. (Do not omit)
1. Total amount of income \$.....
2. Type of property.....
3. Value of property \$.....
4. Date first received or acquired.....
5. Date property transferred.....
- F. Should a refund be due, state possibility of or plans for its collection below.

Approved by the Board of Supervisors of the County of..... this..... day of..... 19.....

RESERVE FOR STATE

[SIGNED]

County Clerk or Deputy

Signature of Reviewer

COUNTY: To be used for ONE case only

Submit two copies to State Department of Social Welfare for Discontinuances and Restorations One copy for other changes

SUBMIT ONE COPY OF ALL CHANGES TO COUNTY AUDITOR

FORM BL 232

MAIN OFFICE  
SACRAMENTO  
616 K STREET

LOS ANGELES OFFICE  
WASHINGTON BLDG.  
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE  
DAVID HEWES BLDG.  
995 MARKET STREET

EARL WARREN  
GOVERNOR  
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING  
DIRECTOR

Sacramento  
May 17, 1943

SOCIAL WELFARE BOARD  
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JOHN C. CUNEO  
922 J. STREET  
MODESTO

HEBER BROWN  
1419 BROADWAY  
OAKLAND

DEPARTMENT BULLETIN NO. 143-REVISED E

TO: COUNTY BOARDS OF SUPERVISORS  
COUNTY WELFARE DEPARTMENTS  
COUNTY AUDITORS

Subject: Old Age Security Revised Budget Schedule  
and July 1, 1943 Adjustment of Budget  
Cases

The Social Welfare Board, on May 15, 1943, adopted the following policy governing the method of determining the budget schedule for Old Age Security recipients.

"The budget schedule shall be based on an average of pricings throughout the state. The schedule so developed shall be used in each county of the state, the cost of the items therein to be mandatory minima for each item, except that any county, on the basis of a pricing plan approved by the State Department of Social Welfare, may develop schedules showing the cost of items not more than 10% higher or lower than those in the State Department of Social Welfare Guide."

Department Bulletin 143-Revised D is cancelled. All rulings and examples in Department Bulletin 143-Revised B, which are in conflict with the provisions of this bulletin are superseded by rulings appearing herein. The provisions of Department Bul. 143-Rev. A, relating to need in excess of the basic grant, and the establishment of such excess need, remain in full force and effect except that "\$50" shall be substituted for "\$40" as it appears therein.

A. REVISED BUDGET SCHEDULE

A revised budget schedule based on an average of statewide 1943 pricings for the various items was adopted to become effective July 1, 1943. The amounts set forth are mandatory minima for each item unless in accord with the above noted policy, different amounts have been determined on the basis of a pricing plan approved by the State Department of Social Welfare. When the facts in the individual case establish that the need, (not the want) of the recipient requires a larger amount than the established mandatory minimum, the increased item so determined may be included in the budget.



# BUDGET SCHEDULE

Food	\$ 17.40 (Increase 75% to \$30.45 if all meals are purchased in restaurants.)
Housing, as paid, for example	20.00
Utilities, as paid with following minima	
Electricity	1.20
Gas	2.35
Water	1.50
Garbage	.50
Other, for example, heat	1.80
Household operations	3.25
Clothing	4.90
Incidentals and personal needs	10.00
Transportation	3.00
Other needs, such as medical care etc. in the amount of actual cost	-
Total	<u>\$65.90</u>

Current grants of Old Age Security determined in accord with total need as established by the budget method shall be recomputed on the basis of the mandatory minimum amounts for those items which represent individual need of the recipient. No allowance is made in the budget for items which do not represent need of the recipient, for example, if water is furnished by the landlord, the recipient has no need for this item, and it is therefore not included in his budget. Likewise, the garbage item would be omitted from the budget if the recipient has no expense for this item. However, any special items of need on the part of the individual would be included in his budget. These would largely fall in the category of excess needs as set forth in Bulletin 143 Revised-A.

## Examples of Determination of Grant by Means of Revised Budget Schedule

Example 1: A single recipient living alone pays rent of \$20 a month. Rent includes water and garbage removal but does not include other utilities. In addition to gas for cooking, the recipient has to buy wood for heating at an average cost of \$1.80 a month. His only income is a \$10 a month contribution from a son.

<u>Total Need</u>		<u>Income</u>	
Food	\$ 17.40	Contribution from son	\$10.00
Rent	20.00		
(including water)		*****	
Electricity	1.20		
Gas	2.35	Total need	63.90
Wood for heating	1.80	Total income	<u>10.00</u>
Clothing	4.90	Budget Deficiency	\$53.90
Household operations	3.25		
Incidentals	10.00	Grant \$50	
Transportation	3.00		
Total	<u>\$ 63.90</u>		

Example 2:

A single recipient lives in his own home assessed value \$800. Taxes average \$3 per month, and a street assessment required payments on which average \$1.05 per month represents the only encumbrance. Upkeep is \$2 per month. He receives O.A.S.I. in the amount of \$10.00 per month.

<u>Total Need</u>		<u>Income</u>	
Food	\$ 17.40	Net value of occupancy	\$2.95 (\$4 less
Housing		O.A.S.I.	10.00 1.05)
Taxes	3.00		<u>\$12.95</u>
Assessment	1.05		
Upkeep	2.00	* * * * *	
Net value of occupancy	2.95		
Electricity	1.20	Total need	52.60
Gas	2.35	Total income	<u>12.95</u>
Water	1.50	Budget Deficiency	39.65
Clothing	4.90		
Household operations	3.25	Grant \$39.65 or \$40	
Incidentals	10.00		
Transportation	3.00		
	<u>\$ 52.60</u>		

Example 3:

A couple each receiving Old Age Security, live in their own encumbered home assessed at \$1000. Taxes average \$6 a month, required monthly payments on the total encumbrance is \$12. Upkeep is \$2.00 a month. The couple state their monthly utility needs are electricity \$2, gas \$3.50, water \$1.50. The husband receives \$20 a month veteran's pension. Necessary medical care for the wife costs \$5 a month. The budget for the husband is as follows:

<u>Total Need</u>		<u>Income</u>	
Food	\$ 17.40	Net value of occupancy	none
Housing		Veteran's pension after	
Taxes	6.00	allowing $\frac{1}{2}$ for wife	<u>10.00</u>
Encum.	12.00		\$10.00
Upkeep	2.00		
$\frac{1}{2}$ of	20.00	* * * * *	
* Net value of occupancy	none		
**Utilities		Total need	52.05
Elec.	2.00	Total income	<u>10.00</u>
Gas	3.50	Budget Deficiency	42.05
Water	1.50		
$\frac{1}{2}$ of	7.00	Grant \$42.05 or \$43	
Clothing	4.90		
Household operations	3.25		
Incidentals	10.00		
Transportation	3.00		
	<u>\$ 52.05</u>		

\*To arrive at net value of occupancy deduct from the table value the recipient's share of the encumbrance payment. In this case the recipient's share of the encumbrance payment eliminates value of occupancy.



\*\*\*The prorated share of utilities is allowed each of the couple in computing his total need and each recipient fills in the affidavit at the bottom of the budget work sheet as to the amount of his share of the utilities for the household.

The need of the wife is the same as that of her husband except that she has an additional need of \$5 per month for medical care. Therefore her total need is \$52.05 + \$5 or \$57.05, and her grant is determined as follows:

Total Need

\$57.05

Income

Net value of occupancy	none
$\frac{1}{2}$ of Veteran's pension received by husband	<u>10.00</u>
	\$ 10.00

\* \* \* \* \*

Total need	57.05
Total income	<u>10.00</u>
Budget Deficiency	\$ 47.05

Grant \$47.05 or \$48

Example 4: (a) A single recipient earns \$15 and in addition receives free rent and utilities in a rear cottage owned by a sister. The county has determined the value of free rent and utilities to be \$14 a month. There is no other income. The recipient has need for dentures and has made arrangements to purchase them paying \$15 a month for 4 months. He also requires regular medical care which costs \$5.50 a month.

Total Need

Food	\$17.40
Rent and Utilities	14.00
Household operations	3.25
Clothing	4.90
Incidentals	10.00
Transportation	3.00
Dentures	15.00
Medical care	5.50
	<u>\$ 73.05</u>

Income

Value of Free rent and utilities	\$ 14.00
Earnings	<u>15.00</u>
Total Income	\$ 29.00

\* \* \* \* \*

Total need	73.05
Total income	<u>29.00</u>
Budget deficiency	44.05

Grant \$44.05 or \$45

At the expiration of a four month period, aid must be reduced as the need for dentures no longer exists. If other conditions remain the same, and the need for medical care continues, his total need according to the budget method will then be \$58.05 instead of \$73.05. The grant is adjusted as follows:

Total need	\$ 58.05
Total income	<u>29.00</u>
Budget deficiency	\$ 29.05

Grant \$29.05 or \$30

Example 4: (b) Should the above recipient, not wishing to give detailed information regarding his expenditures or for other reasons, wish to have his need in excess of the grant determined under the method set forth in Bulletin No. 143-Revised A, the computation would be as follows:

	<u>Need</u>		<u>Income</u>
Basic Needs	\$ 50.00	Value of free rent and	
Dentures	15.00	utilities	\$ 14.00
Medical care	<u>5.50</u>	Earnings	<u>15.00</u>
			\$ 29.00
Total needs	70.50		
Total income	<u>29.00</u>		
Amount of grant	\$ 41.50		

Example 5: A recipient in feeble physical condition pays \$45.00 per month board and room in a rest home, where all services are provided. He is unable to leave the house, and has no need of transportation. He has income of \$21 per month from O.A.S.I. benefits.

	<u>Total Need</u>		<u>Income</u>
Board and room	\$ 45.00	O.A.S.I.	\$ 21.00
Clothing	4.90		
Incidentals	<u>10.00</u>		* * * * *
Total need	\$ 59.90		
		Total need	59.90
		Total income	<u>21.00</u>
		Budget deficiency	\$ 38.90
		Grant \$38.90 or \$40	

## B. JULY 1, 1943 ADJUSTMENT OF BUDGET CASES

Section 2020.01, effective July 1, 1943, provides as follows:

"The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, fifty dollars (\$50) per month. If, however, in any case it is found the actual need of an applicant exceeds fifty dollars (\$50) per month, such applicant shall be entitled to receive aid in an amount, not to exceed fifty dollars (\$50) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need."



Appropriate adjustment in the grants of individual recipients currently receiving aid in accord with the budget method must be made effective July 1, 1943. (See Circular Letter 232 issued May 8, 1943, for instructions regarding adjustment procedures for current recipients in receipt of no income and for those whose present grant is less than \$40 for the reason that the income received is deducted from \$40.)

The budget deficiency for many whose aid is computed by the budget method will be such that they will be entitled to a \$10 increase, whereas the budget deficiency in other cases will be such that an increase in a smaller amount will be required.

The Sum of the Current Grant and Income is Insufficient to Meet Total Need of \$50 or More

1. Budget Deficiency is \$10 or More

A \$10 increase in the grant is made when the difference (budget deficiency) between total need as established in accord with the budget schedule set forth on page 2, and the sum of the current grant plus the income, is \$10 or more.

Example (1) The recipient's budget establishes his need as \$70 a month. He is currently receiving \$20 O.A.S.I. and \$40 OAS, total \$60. There is a \$10 budget deficiency. Aid is therefore increased from \$40 to \$50.

Example (2) The recipient's need as established by his budget is \$71.50. He is currently receiving \$15 Veteran's pension and \$40 OAS, total \$55. Aid is increased to \$50, the maximum amount payable and there remains a budget deficiency of \$6.50.

2. Budget Deficiency is Less Than \$10

An increase in the grant only to the extent of the budget deficiency is made when such budget deficiency is less than \$10.

Example (1) The need of the recipient is \$75. He is currently receiving \$40 OAS and a \$30 Railroad Retirement pension, total \$70. The budget deficiency is \$5. The grant is increased to the extent of the budget deficiency, namely \$5, or from \$40 to \$45. The grant in this amount plus the \$30 pension equals total need, \$75.

For each increase in the grant on the basis of the budget method of computing the grant, the usual Notice of Change reporting total need, the source and amount of the income etc., and Board of Supervisors' action shall be submitted to the State Department of Social Welfare.

The sum of the grant and the income may not exceed total need of the individual as established by his budget.

In no case may the grant plus the income equal less than \$50. Since the law establishes \$50 as the minimum need of the individual, the grant must be so adjusted that the grant plus the income must equal at least \$50. Appropriate Notices of Change reporting the adjustment in the usual manner shall be submitted to the State Department of Social Welfare.

Very sincerely yours,

*Martha A. Chickering*

MARTHA A. CHICKERING, Director  
Department of Social Welfare

(Authority: Sections 103, 2020, 2140,  
and 2141 of the Welfare  
and Institutions Code)



MAIN OFFICE  
SACRAMENTO  
616 K STREET

LOS ANGELES OFFICE  
WASHINGTON BUILDING  
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE  
DAVID HEWES BUILDING  
995 MARKET STREET

Earl Warren  
Governor

STATE OF CALIFORNIA

## Department of Social Welfare

MISS MARTHA A. CHICKERING  
DIRECTOR

Sacramento  
June 4, 1943

Hon. Frank M. Jordan  
Secretary of State  
Room 109, State Capitol  
Sacramento, California

SOCIAL WELFARE BOARD  
ARCHIBALD B. YOUNG, CHAIRMAN  
808 S. SAN RAFAEL AVENUE  
PASADENA

MRS. MARY E. BARKWILL  
ROUTE 1, BOX 55  
LINDSAY

HEBER BROWN  
1440 BROADWAY  
OAKLAND

JOHN C. CUNEO  
922 J STREET  
MODESTO

MRS. T. G. EMMONS  
POST OFFICE BOX 12  
SALINAS

WILFORD H. HOWARD  
1815 REDWOOD HIGHWAY SOUTH  
SANTA ROSA

BEN KOENIG  
1680 NORTH VINE STREET  
LOS ANGELES

IN REPLY PLEASE REFER  
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very Sincerely yours,

*Martina A. Chickering*  
MARTHA A. CHICKERING, Director  
Department of Social Welfare 236

52: eb  
Encls.

1943 JUN 7 AM 9 04



MAIN OFFICE  
SACRAMENTO  
616 K STREET

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WASHINGTON BLDG.  
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE  
DAVID HEWES BLDG.  
995 MARKET STREET

EARL WARREN  
GOVERNOR

STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING  
DIRECTOR

Sacramento  
May 26, 1943

SOCIAL WELFARE BOARD  
ARCHIBALD B. YOUNG, CHAIRMAN  
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HEBER JAMES BROWN  
1440 BROADWAY  
OAKLAND

1297

MANUAL LETTER NO. 36

You receive herewith additions and Revision 1 to the Continuing Services Chapter. This material is to be entered in your copy of the Manual of Policies and Procedures and the revision number cancelled on the separator for that chapter.

These additions were adopted by the SSWB on April 30, 1943, and become effective immediately.

The new Notice of Change for Aid to Needy Children (Form CA 232 Rev.) is reproduced in Section 365-99.

This form shall be used for reporting all changes in ANC on which action is taken by the board of supervisors on and after July 1, 1943.

Sections 363-00 through 363-25 give instructions for the use of the revised form.

Statements contained in the manual take precedence over same material previously released in bulletins

Form CA 232-Revised will be available through the State Bureau of Purchases, Supply Department, State Office Building No. 1, Sacramento, California, about June 10, 1943.

FILED

In the office of the Secretary of State  
of the State of California

JUN 7 - 1943

FRANK M. JORDAN, Secretary of State

Deputy



Sec. 361-30 covering suspension procedure provides that action may now be taken at the first meeting of the month following that in which delivery of a warrant is withheld.

Secs. 132-41 and 144-08 have been changed due to a new interpretation on undistributed estates contained in AGO NS4760.

Secs. 172-00, 172-05, 172-10, and 172-15, have been revised to include provisions for considering allowances from servicemen and for inquiries during the period of hostilities.

Statements contained in the manual take precedence over same material previously released in bulletins

**LIEN**—A hold or claim on property to secure a debt. A charge imposed in some mode other than by a transfer in trust upon specific property by which it is made security for the performance of an act. It is created by contract of the parties or by operation of law.

Notwithstanding an agreement to the contrary, a lien or a contract for a lien transfers no title to the property subject to a lien.

A lien is the right given by law to a creditor to have a debt or claim satisfied out of the property of a debtor. It arises of necessity from the relation of debtor and creditor. Liens may be voluntary (by contract of parties) or involuntary (by operation of law). For example, a mortgage is a voluntary lien when placed on debtor's property to secure a loan.

Liens may be specific or general. A specific lien affects certain specified property only, while a general lien affects all property of debtor.

A special lien is one which the holder thereof can enforce only as security for the performance of a particular act or obligation, and of such obligations as may be incidental thereto.

A general lien affects all property of debtor. All obligations against the property are included in it.

A general lien is one which the holder thereof is entitled to enforce as a security for the performance of all obligations, or all of a particular class of obligations, which exist in his favor against the owner of the property.

The most common specific liens are:

1. Mortgages (trust deeds, while legally not liens, are liens in effect).
2. Taxes (local).
3. Assessments.
4. Mechanics' liens.

The more common general liens are:

1. Judgments. A judgment is the final determination by decision of a court or verdict of a jury of the rights of the parties in an action or proceeding.
2. State franchise taxes, gross revenue taxes, etc.
3. Federal taxes, such as inheritance taxes, income taxes, etc.

A statutory lien is one created by operation of law. Thus, OAS liens taken prior to September 1, 1937, are statutory liens.

**LIFE ESTATE**—Life estate, estate for life, and life tenancy, are practically synonymous terms. Life interest is not a meaningful term.

The estate for life, is a freehold estate, whether it be for the life of the tenant or the life of another.

It is not essential to the creation of a valid life estate that there shall be no condition imposed which may terminate the estate in some contingency prior to the death of the grantee, such as marriage or residence abroad.

A life estate is created in a grantor by a deed purporting to convey the full fee simple estate but which is deposited with a third party to be given to the grantee only on the death of the grantor; the grantor, however, reserving no power to recall the deed.

A life estate is a freehold interest which terminates upon the death of the owner. The life tenant has definite rights and responsibilities, such as payment of taxes, interest, assessments, upkeep and such expense as is necessary to keep the property in good condition, etc., and is entitled to all the income, if any, from the property. Occupancy of the property by the life tenant, unless specified in the instrument, is not necessary. Life estate represents an interest which is transferable, assignable, or which may be encumbered depending upon the type of life estate.

Upon death of a recipient of aid who holds a life estate interest in property, the property automatically goes to the remainderman.

**LIS PENDENS**—In an action affecting title to real property the plaintiff may file a lis pendens or notice of the pendency of the action, with the county recorder where the property is situated. The notice contains the parties object of the action and description of the property. It constitutes constructive notice of the suit to all persons, and subsequent purchasers or encumbrancers are bound by the judgment.

**LOAN**—A loan of money is a contract by which one delivers a sum of money to another, and the latter agrees to return at a future time a sum equivalent to that which was borrowed.

**MAINTENANCE AND OPERATION**—Includes maintenance and operating costs, such as supplies, repairs, replacements of equipment, contractual services, etc., other than Salaries and Wages and Capital Outlay.

#### MARITAL STATUS

**Married** i.e., legally married. This does not include common law marriage as such marriage has not been recognized in California since March, 1895. Prior to this date the statutes provided for an unsolemnized marriage which included the elements of consent, followed by a mutual assumption of marital rights, duties and obligations. When a common law marriage has occurred in another state or country, in which such marriage is recognized as legal, and the couple have moved to California, such marriage is considered legal in California.

**Separated** i.e., spouses living separate and apart. This is dependent upon proof of the fact and not upon legal presumptions. Legal separation is included, i.e., a husband and wife may agree in writing to an immediate separation and may make provision for the support of either of them and of their children during such separation. Such legal separation does not constitute divorce.

**Divorced**—A final decree of divorce has been granted by a court of competent jurisdiction.

**Widowed**—Spouse is dead.

**Single**—Person has never been married, or marriage has been annulled or voided.

After death of the spouse, prior changes in marital status are not considered.

**MAY**—See Shall.

**MINE**—Includes all mineral bearing properties of whatever kind or character, whether underground, quarry, pit, well, spring, or other source from which any mineral substance is or may be obtained.

**MINERAL**—Includes all mineral products both metallic and nonmetallic, solid, liquid or gaseous, and mineral waters of whatever kind or character.



**INTANGIBLES**—As defined for revenue and taxation purposes, means intangible personal property of a type not exempt from taxation and any interest therein. Intangible personal property includes notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, and mortgages.

**INTEREST IN REAL PROPERTY**—The word "interest" is broader than the word "title," and includes both legal and equitable rights. It may be used as synonymous with "estate" or "title," or it may be used to denote something less than an estate or title. An interest in land is the legal concern of a person in the thing or property, or in the right to some of the benefits or uses from which the property is inseparable.

**INTERIM CERTIFICATE**—A temporary or preliminary certificate, as one entitling the owner to receive certain shares or bonds to be afterwards issued. (See also Stock.)

**INTERLOCUTORY**—Provisional; temporary. Used of orders or judgments which are not final.

**INTESTATE**—Without having made a valid will; not devised or bequeathed, not disposed of by will, as an "intestate estate."

**IRRIGATION AND WATER STOCK**—Stock in a mutual water company may be either real or personal property dependent upon whether or not the stock and the rights obtained thereunder are appurtenant to and run with the land owned.

Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes, or for domestic use, may provide in its articles or by-laws that water shall be sold, distributed, supplied or delivered only to owners of its shares and that such shares shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate is so issued and a certified copy of such articles or by-laws recorded in the office of the county recorder in the county where such lands are situated, the shares of stock become appurtenant to the said lands and may only be transferred therewith, except after sale or forfeiture for delinquent assessments. When a mutual water company has complied with the foregoing provisions, its stock is appurtenant to the land and it follows therefrom that such ownership is an interest in real property.

When the right to obtain water upon receipt of ownership of the stock is limited to use on the particular land of the stockholder, or of the landowner, such water rights are appurtenant to the land and the ownership thereof is an interest in real property. When a landowner is privileged to sell or rent to another the right to receive water without disposing of his land, such right would not be appurtenant to his land and would be ownership in personal property.

**ISSUES**—Descendants in general; in a will, heirs.

**JOINT TENANCY DEED**—See Deed, Joint Tenancy.

**JURAT**—A memorandum or certificate added to an affidavit or statement under oath, properly at the end, stating when, before whom, and (sometimes) where, it was made.

**JUS SANGUINIS**—Law or right of blood, or parentage; used specifically of the rule that allegiance or citizenship of child is determined by citizenship of its parents.

**JUS SOLI**—Law or right of the soil or ground; used of the rule of law that determines allegiance or citizenship of child by place of its birth. This is the common law rule.

**LEASE**—An agreement under which the tenant (lessee) hires (leases) property from the landlord (lessor) thereby securing temporary possession of the property. The lessee or lessor may be an individual or a corporation. The amount paid to the landlord is called rent.

A lease of real property, if for a period of years (for exception in OAS, see Sec. 132-60, Real Property Held by Lease,) at will, or sufferance of the lessor; is personal property of the lessee. In general, when the period of the lease is not specified, it is presumed to be one year. A lease of real property for the lifetime of the lessor, or not restricted to a specified term of years but providing that it is to continue "so long thereafter" as oil, gas, etc., is produced in paying quantities, is a real property interest of the lessee. The lessor's interest, if he is the owner of the land or any interest therein, remains real property regardless of the terms of the lease. (See also Real Property, for discussion of oil, mineral, etc., leases.)

Many counties, for the purposes of taxation, assess lessee's interest in leases as personal property; often at an arbitrary valuation of \$100. However, the way in which such property is assessed is not the real test for differentiating between real and personal property. The terms of duration of the lease and the nature and kind of property as defined in Secs. 104 and 106 of the Rev. & Tax. C., are the determining factors. (For a full discussion of oil, timber, mineral, etc., leases, see Real Property.)

**LEASEHOLD**—A tenure by lease, or the land held; specifically, land held as personalty under a lease for years.

**LEGACY**—A gift of property by will, especially of money or other personal property; a bequest.

**LEGATEE**—One to whom testator leaves any property, real or personal.

**LESSOR**—One who leases, or gives a lease.

**LESSEE**—One to whom a lease is given or who takes an estate by lease; a tenant under a lease.

**LICENSES**—A license granted by a private person is a personal, revocable, and non-assignable permission or authority to do one or more acts on his land without possessing any interest therein. It is not an interest in land, and therefore can be created orally; or it may be established by its exercise with acquiescence of licensor. Ordinarily it is revocable at any time by licensor.

- 132-41 **Sec. 132-41 Value of Real Property Held in Trust** W&IC Secs. 103, 103.5, 103.6, 1560, 2140  
OAS; ANB; APSB; ANC 2141, 3075, 3460

When an applicant or recipient does not have control of all or part of a trust of which he is the beneficiary the assessed value of the real property in the trust or that portion of it not under his control (less encumbrances of record in ANB and APSB) shall not be considered in determining the real property holdings of the applicant or recipient.

When ownership of the trust is dependent upon the occurrence of a certain event, such as the applicant or recipient attaining the age of 21 years, such trust is not considered the property of the applicant or recipient until the stipulated event occurs.

- 132-46 **Sec. 132-46 Joint Tenancy or Tenancy in Common** Civ. C. Secs. 683; 685  
OAS; ANB; APSB; ANC

When property is held in joint tenancy or in tenancy in common by one or more persons, the interest of each owner is deemed to be his equal proportionate share of the total assessed value of the property.

- 132-50 **Sec. 132-50 Life Estate** W&IC Secs. 103.5; 103.6; 1520; 1560; 2141; 2164; 2165; 3047;  
OAS; ANB; APSB; ANC 3075; 3447; 3460

The county assessed valuation of all real property in which life estate is held, together with all other owned real property, shall be considered in determining eligibility in accordance with requirements of respective category of aid.

- 132-51 **Sec. 132-51 Remainderman's Interest** Civ. C. Secs. 690; 693; 694; 695; 696; 765; W&IC Secs.  
OAS; ANB; APSB; ANC 103.5; 103.6; 1520; 1560; 2141; 2164; 2165; 3047; 3075; 3447; 3460

The assessed valuation of real property in which a vested future interest is held shall be considered in determining eligibility of the remainderman. If the future interest is contingent, the value of the property shall not be considered in determining his eligibility.

A future interest is vested when the remainderman would have a right to the immediate possession of the property upon the ceasing of the intermediate or precedent interest such as life estate or other intermediate holding. Certain other types are considered contingent interests. It is suggested that whenever question arises as to whether the interest of the remainderman is contingent or vested it be referred to the district attorney for decision.

- 132-52 **Sec. 132-52 Undistributed Estates** W&IC Secs. 103.5; 103.6; 1520; 1560; 2141; 2164; 2165;  
OAS; ANB; APSB; ANC 3047; 3075; 3447; 3460

Real property in an undistributed estate shall be considered the property of the applicant or recipient only when the property is available to the applicant or recipient prior to distribution of the estate. The county assessed value of such real property shall be considered in determining eligibility.

When property is inherited during the receipt of aid and (1) is available to the recipient prior to distribution of the estate or (2) the estate is distributed, its value shall be determined, and considered together with the value of other real property holdings in accordance with the requirements of the particular category of aid. (See Secs. 144-10, Determination of Property Value of Undistributed Estates, and 145-10, Personal Property acquired by Inheritance.)

- 132-54 **Sec. 132-54 Real Property Bought or Sold Under Contract of Sale (Title Not Passing)**  
OAS; ANB; APSB; ANC W&IC Secs. 103.5; 103.6; 1520; 1560; 2141; 2164; 2165; 3047; 3075  
3447; 3460

When real property is sold under a contract of sale, title remaining with the seller (vendor), the assessed value of the property, regardless of the seller's equity in it, shall be considered in determining eligibility for aid.

The buyer (vendee) of real property under contract of sale is the owner of an equitable interest in such real property, and is also regarded as the owner of the property. The assessed valuation of property being purchased under contract of sale shall be considered in determining the eligibility of the buyer (vendee) for aid.

If both the seller and the buyer of property being sold under a contract of sale are applying for or receiving aid the assessed valuation of the property is considered in determining the eligibility of each.



**Sec. 132-20 Real Property Outside U. S.** W&IC Sec. 003.5; 103.6; 1520; 1560; 2141; 2164 132-20  
OAS; ANB; APSB; ANC 2165; 3047; 3075; 3447; 3460

When real property is located outside the United States, the assessed valuation shall be considered on the basis of rate of exchange in American dollars, regardless of manner by which other units of government determine the assessed value of such property. If, e.g., the Mexican Consul advised that property in Mexico was assessed at 1000 pesos and rate of exchange was 5 pesos to 1 dollar, the assessed value of the property would be \$200.

To obtain information regarding real property located outside the United States, various sources are used. When no language barrier exists, the county may correspond with the unit of government or public official concerned. When a language barrier exists, inquiry is generally directed to an American Consul in the country concerned. The nearest representative of the other country may also be consulted.

During the present period of hostilities, continued ownership of real property located in countries actively at war, or in conquered or occupied areas, is in doubt and the value, if any, of the holdings can not be ascertained. When it is impossible to obtain reasonably positive evidence of eligibility or ineligibility with respect to real property located in such countries, it is the presumption that continued ownership is in doubt and that such property has no present value in determining eligibility. For the present, investigation of such holdings need not be pursued. Upon cessation of hostilities, investigation shall be made through the usual sources available in determining the value of real property in foreign countries, aid to continue during the investigation provided eligibility otherwise exists.

**Sec. 132-25 Increase or Decrease in Assessed Value of Real Property**

132-25

OAS; ANB; APSB; ANC

W&amp;IC Secs. 1520; 1560; 2141; 2164; 2165; 3047; 3075;

Eligibility may be affected by an increase or a decrease in assessed value of real property. 3447; 3460  
The current assessed value is used in determining eligibility.

**Sec. 132-30 Determination of Assessed Value of Real Property** Prob. C. Sec. 300; Civ. C. 132-30  
OAS; ANB; APSB; ANC Secs. 678-687 Inc. W&IC Secs. 103.5; 103.6; 2141; 2164; 2165;

2165A; 3047; 3075; 3447; 3460  
In OAS, the assessed value of all real property belonging to an applicant and his spouse and in ANC to a child or children and their parent or parents, shall be ascertained. (For exception in OAS, see Sec. 131-20, Ownership of Real Property Outside State by Separated Spouse.) In ANB and APSB, only the assessed value of property belonging to the applicant as separate property, or as his equal share of community property is considered.

The following are examples of real property ownership in which the assessed value shall be considered:

1. Separate property of a single person;
2. Separate property of husband or wife;
3. Separate property of a separated couple (in OAS and ANC); for exception in OAS, see Sec. 131-20;
4. Community property of a couple;
5. Community property of a separated couple;
6. Property held in joint tenancy;
7. Property held in tenancy in common;
8. Property held in a life estate;
9. An interest in an undistributed estate when the property is in fact available prior to distribution;
10. Property purchased or sold under contract of sale (title not passing);
11. Property purchased under mortgage, deed of trust, etc.

When an applicant's name appears with that of another person on a joint or trustee account, there is the presumption that the applicant is the owner of all of the funds in the account. When the applicant contends that all of the funds in the account do not belong to him, effort shall be made to establish his interest in it. That portion which is established as belonging to the applicant is considered in determining his eligibility. An affidavit of either of the parties as to the ownership of the funds in a joint account is itself inadequate verification. Such an affidavit shall be supported by other facts which clearly establish that the account, or a portion of it, belongs to some one other than the applicant.

The value of postal savings accounts shall be verified through the U. S. Post Office. (See Sec. 141-20, Separate and Community Personal Property.)

**143-40 Sec. 143-40 Determination of Value of Building and Loan Accounts** W&IC Secs. 103; 103.5; 103.6; OAS; ANB; APSB; ANC 1521; 1560; 2140; 2141; 2163; 3047; 3075; 3447; 3460

The actual amount on deposit with building and loan associations or other financial concerns shall be ascertained and considered in determining eligibility. If any such company is in process of liquidation under receivership proceedings, the current market value of the building and loan certificates or other evidence of interest therein shall be considered rather than the actual amount deposited with the company. (See Sec. 141-20, Separate and Community Personal Property.)

**143-45 Sec. 143-45 Determination of Value of Notes, Mortgages and Deeds of Trust** W&IC Secs. 103; 103.5; OAS; ANB; APSB; ANC 103.6; 1521; 1560; 2140; 2141; 2163; 3047; 3075; 3447; 3460

The current market value of notes, mortgages and deeds of trust, i.e., the amount which could be realized if such instruments were offered for quick sale, shall be ascertained and considered in determining eligibility.

An estimate of the current market value of notes, mortgages and deeds of trust shall be secured from local bankers, realtors, loan companies or others qualified to make such estimates. Two or more estimates should be secured when the first estimate of the total personal property holdings is slightly below or above the maximum allowed for the particular category of aid. Additional estimates should also be secured if the first estimate appears to be unrealistic in light of the factors affecting current market value. (For exception see Sec. 143-25, Determination of Value of Personal Property in Another Country.)

**143-55 Sec. 143-55 Determination of Value of Stocks and Bonds** W&IC Secs. 103; 103.5; 103.6; 1521; OAS; ANB; APSB; ANC 1560; 2140; 2141; 2163; 3047; 3447; 3075; 3460

In OAS and ANC, the actual current market value of stocks and bonds, including mutual water and irrigation stock when such stock represents personal property (see Irrigation and Water Stock, Glossary), shall be considered in determining the value of personal property holdings. In ANB and APSB, when stocks and bonds are assessed this value shall be used. When stocks and bonds are not assessed, the current market value shall be used in determining eligibility.

**143-57 Sec. 143-57 Determination of Ownership of War Bonds When Co-owner Named** W&IC Secs. 103; 103.5; OAS; ANB; APSB; ANC 103.6; 1560; 2140; 2141; 3075; 3460

A person named as a co-owner and having possession of the war bond shall be the presumptive owner thereof unless such ownership is refuted by evidence that all or part of the funds used to purchase the bond did not belong to him. When the applicant contends that all of the funds used to purchase the bond did not belong to him, and that the bond was not a gift, effort shall be made to establish his interest in it. That portion which is established as belonging to the applicant is considered in determining his eligibility.

The fact that there may be two co-owners of the bond shall not in itself determine that the bond is jointly owned. The person whose name appears on the bond as co-owner and who does not have possession of such bond shall not be presumed to own any part of the bond unless evidence refuting such presumption is set forth.

See Sec. 143-55, Determination of Value of Stocks and Bonds, for method of determining value of war bonds.

**143-60 Sec. 143-60 Determination of Value of Commercial or Other Business Enterprise** W&IC Secs. 103; 103.5; OAS; ANB; APSB 103.6; 1521; 1560; 2140; 2141; 2163; 3047; 3075; 3447; 3460

In OAS, the current market value of an applicant's interest in personal property as represented by the stock on hand, fixtures and equipment, and the "accounts receivable" of a commercial or other



**Sec. 143-20 Determination of Value of Personal Property in Another County or State**

143-20

OAS; ANB; APSB; ANC W&amp;IC Secs. 103; 103.5; 103.6; 1560; 2140; 2141; 3075; 3460

The value of personal property in another county or State shall be established in accordance with the provisions of the specific category of aid by correspondence with officials, agencies, or qualified individuals.

If no response is received and a 30-day follow-up brings no results, aid need not be delayed in ANC or shall not be denied at the expiration of the 90-day period in OAS, ANB and APSB, provided other evidence is available which establishes the value of the personal property. Such evidence might include a bank book or bank statement in possession of the applicant, or documents in his possession which establish with reasonable accuracy the market value of the holdings.

In ANB and APSB, the value of assessed personal property in another county or State may be determined from tax receipts in possession of applicant if a 30-day follow-up to correspondence brings no results.

**Sec. 143-25 Determination of Value of Personal Property in Another Country** W&IC Sec. 103;

143-25

OAS; ANB; APSB; ANC 103.5; 103.6; 1521; 1560; 2140; 2141; 2163; 3047; 3075; 3447; 3460

The value of personal property owned in another country shall be considered in determining eligibility. The current rate of exchange shall be used to convert foreign values into U. S. monetary units. For example, if the current market value of certain Mexican bonds is 1,000 pesos and the rate of exchange is 5 pesos to 1 dollar the value to be considered is \$200.

If property is confiscated, i.e., seized by a government for public use, its value is not considered when determining eligibility; however, the possibility of indemnity should be explored. Assets which are impounded, i.e., seized and held in custody of the law presumably for safe keeping, represent personal property to be considered in determining eligibility.

During the period of hostilities the current market value of notes and mortgages, secured by property located in countries at war, or in conquered or occupied countries, and the value of stocks and bonds issued by foreign concerns located in those countries cannot be determined through the usual foreign channels. Their present value, if any, shall be ascertained through local banks, brokers or other financial institutions. Investigation of their value through the usual foreign channels need not be pursued until such time as hostilities have ceased or until verification through these sources is again possible, aid to continue during the investigation if the recipients remain otherwise eligible.

**Sec. 143-35 Determination of Value of Cash on Hand and in Safe Deposit Boxes** W&IC Secs. 103;

143-35

OAS; ANB; APSB; ANC 103.5; 103.6; 1521; 1560; 2140; 2141; 2163; 3047; 3075; 3447; 3460

The amount of cash or currency in the personal possession of the applicant (parent or child in ANC) shall be ascertained. The applicant is the only source of verification of this type of holding. When he declares cash in his personal possession in an amount in excess of that which seems necessary for reasonable household expenses pending receipt of aid, verification shall be made by requesting him to count it in the presence of the public assistance worker. Verification shall be made in the same manner if the amount declared together with other personal property approaches the maximum for the particular category of aid.

When the applicant rents or otherwise has use of a safe deposit box, he shall be required to review the contents of the box and to count the amount of cash or currency contained therein in the presence of the public assistance worker. (At the time the contents of a safe deposit box are reviewed to determine the amount of money, if any, contained in it, the worker should note in detail all pertinent information regarding stock certificates, bonds, mortgages, deeds of trust, insurance policies, or other types of personal property in the safe deposit box.)

**Sec. 143-37 Determination of Value of Bank and Postal Savings Accounts** W&IC Secs. 103; 103.5;

143-37

OAS; ANB; APSB; ANC 103.6; 1521; 1560; 2140; 2141; 2163; 3047; 3075; 3447; 3460

The actual amount of all funds in bank accounts and postal savings accounts shall be established.

The actual amount of bank holdings shall be verified through the particular bank. If, however, a request for verification has been forwarded to a bank in another county or State and a 30-day follow-up brings no response, the granting of aid need not be delayed provided the bank book in the applicant's possession shows with reasonable certainty the current balance in the account.

**144-15 Sec. 144-15 Determination of Value of Frozen Assets** W&IC Secs. 103; 103.5; 103.6; 1560; 2140; 2141; 3075; 3460  
**OAS; ANB; APSB; ANC**

Frozen assets are those which have become unavailable to the owner through no voluntary act on his part and which can not be obtained by any voluntary act on his part. An interest as evidenced by deposits, certificates of ownership, etc., in defunct banks, building and loan associations, or other organizations may be frozen in so far as obtaining funds from the particular bank, or other institution is concerned, but the interest may be saleable at a discount. Such saleable value represents personal property to be considered in determining eligibility for the particular category of aid.

**144-20 Sec. 144-20 Determination of Value Other Types of Personal Property** W&IC Secs. 2163; 2140; 2141  
**OAS**

In addition to types of personal property discussed in previous sections, there are miscellaneous types of personal property such as jewelry, art objects, antiques, musical instruments, books, etc. As with other types of personal property the current market value, i.e., the amount that could be realized upon quick sale of such articles, shall be considered in determining eligibility.

**145-00 Sec. 145-00 Personal Property Acquired by Purchase** W&CI Secs. 2140; 2141; 2163; 3047; 3075; 3447; 3460  
**OAS; ANB; APSB**

Personal property may be purchased without affecting eligibility for aid provided the value of such personal property, together with other personal property holdings, does not exceed the limitations provided in the law for the respective category of aid.

If a recipient or spouse purchases personal property, the terms of the purchase and plan of payment should be ascertained. If it does not appear that the payments can be met out of the known resources and the grant, the possibility of unknown assets or income should be explored.

**145-05 Sec. 145-05 Personal Property Acquired by Gift** Civ. C. Secs. 162; 163  
**OAS; ANB; APSB; ANC**

The value of personal property acquired by gift shall be considered in determining eligibility in accordance with the provisions of the respective category of aid. A gift is the separate property of the person receiving it.



**Sec. 144-08 Determination of Value of Trust Funds** W&IC Secs. 103; 103.5; 103.6; 1560; 144-08  
OAS; ANB; APSB; ANC 2140; 2141; 3075; 3460

When an applicant or recipient does not have control of all or part of a trust, of which he is the beneficiary, the current market value of the trust or that portion not under his control (less encumbrances of record in ANB and APSB) shall not be considered in determining personal property holdings of the applicant or recipient.

When ownership of the trust is dependent upon the occurrence of a certain event, such as the applicant or recipient attaining the age of 21 years, such trust is not considered the property of the applicant or recipient until the stipulated event occurs.

**Sec. 144-10 Determination of Personal Property Value of Undistributed Estates** 144-10  
OAS; ANB; APSB; ANC W&IC Secs. 103; 103.5; 103.6; 1560; 2140; 2141; 3075; 3460

Personal property in an undistributed estate is considered the personal property of the applicant or recipient when (1) the property is in fact personal property, and (2) the property is available to the applicant or recipient prior to distribution of the estate. The value of such personal property holdings shall be considered in determining eligibility according to the provisions of the respective category of aid.

In determining the value of the inheritance, if any, which is available before distribution consideration should be given to known indebtedness and to an estimate of the administrative costs exclusive of inheritance taxes. This estimate of administrative expense (exclusive of inheritance tax) may be deducted from the appraised value as filed with the probate court in determining the net amount of personal property available prior to distribution.

When two or more heirs have an undivided interest in an undistributed estate which is in fact available prior to distribution, each is considered to have an interest in proportion to the number of known heirs. (See Secs. 132-52, Undistributed Estates and 145-10, Personal Property Acquired by Inheritance.)

The Relatives' Contribution Scale follows:

### RELATIVES' CONTRIBUTION SCALE

A. Net monthly income of responsible relatives in one family	B. Number of persons dependent upon income						7	8	9	10 and over
	1	2	3	4	5	6				
	C. Maximum required monthly contribution									
Under \$75 -----	0	0	0	0	0	0	0	0	0	0
\$75- 84 -----	0	0	0	0	0	0	0	0	0	0
85- 94 -----	0	0	0	0	0	0	0	0	0	0
95-104 -----	5	0	0	0	0	0	0	0	0	0
105-114 -----	8	0	0	0	0	0	0	0	0	0
115-124 -----	12	0	0	0	0	0	0	0	0	0
125-134 -----	17	0	0	0	0	0	0	0	0	0
135-144 -----	23	0	0	0	0	0	0	0	0	0
145-154 -----	30	5	0	0	0	0	0	0	0	0
155-164 -----	35	10	0	0	0	0	0	0	0	0
165-174 -----	40	15	0	0	0	0	0	0	0	0
175-184 -----	45	20	5	0	0	0	0	0	0	0
185-194 -----	50	25	10	0	0	0	0	0	0	0
195-204 -----	55	30	15	5	0	0	0	0	0	0
205-214 -----	60	35	20	10	0	0	0	0	0	0
215-224 -----	65	40	25	15	5	0	0	0	0	0
225-234 -----	70	45	30	20	10	0	0	0	0	0
235-244 -----	75	50	35	25	15	5	0	0	0	0
245-254 -----	80	55	40	30	20	10	0	0	0	0
255-264 -----	80	60	45	35	25	15	0	0	0	0
265-274 -----	80	65	50	40	30	20	5	0	0	0
275-284 -----	80	70	55	45	35	25	10	0	0	0
285-294 -----	80	75	60	50	40	30	15	5	0	0
295-304 -----	80	80	65	55	45	35	20	10	0	0
305-314 -----	80	80	70	60	50	40	25	15	5	0
315-324 -----	80	80	75	65	55	45	30	20	10	5
325-334 -----	80	80	80	70	60	50	35	25	15	10
335-344 -----	80	80	80	75	65	55	40	30	20	15
345-354 -----	80	80	80	80	70	60	45	35	25	20
355-364 -----	80	80	80	80	75	65	50	40	30	25
365-374 -----	80	80	80	80	80	70	55	45	35	30
375-384 -----	80	80	80	80	80	75	60	50	40	35
385-394 -----	80	80	80	80	80	80	65	55	45	40
395-404 -----	80	80	80	80	80	80	70	60	50	45
405-414 -----	80	80	80	80	80	80	75	65	55	50
415-424 -----	80	80	80	80	80	80	80	70	60	55
425-434 -----	80	80	80	80	80	80	80	75	65	60
435-444 -----	80	80	80	80	80	80	80	80	70	65
445-454 -----	80	80	80	80	80	80	80	80	75	70
455-464 -----	80	80	80	80	80	80	80	80	80	75
465 or over -----	80	80	80	80	80	80	80	80	80	80



W &amp; IC Secs. 2181; 2224

ability to contribute the relative's financial circumstances shall be given due consideration and in unusual cases a degree of liability which is less than the amount fixed by Relatives' Contribution Scale may be established. Expenses due to illness in the family or obligations incurred as a result of illness are among the unusual circumstances which should be considered.

When a spouse of the applicant or recipient has separate income (as distinguished from community income), such spouse's degree of legal responsibility for support, for which recovery action can be initiated, shall be measured by the scale. If living with the recipient or applicant, the extent to which the recipient or applicant is actually in receipt of assistance from such spouse, either in cash or in kind, shall be determined on the basis of the facts in each case, after giving due consideration to the spouse's needs.

When a spouse has community income (as distinguished from separate income), the spouse, provided he or she is not receiving categorical assistance, may retain sufficient of such community income for the support of himself or minor children. After the support of the spouse and minor children is met, the remainder of the income shall be considered income to the applicant or recipient unless it exceeds the amount retained by the spouse for his support and that of the minor children. In that event any excess shall be equally divided between the two spouses.

An adult child's maximum liability for two living parents is the same as for one parent. The degree of legal responsibility for which recovery action may be initiated for an adult child living in the home of applicant or recipient shall be measured according to the scale in the same manner as though he were not in the home. Payment of room and board by an adult child does not alter his degree of legal responsibility as this represents an item of expense which must be met regardless of where the child lives.

When the responsible relative is a married daughter and there is no agreement between the couple, whereby the wife is permitted to retain her earnings as her separate property, the earnings of the wife represent the income of the husband since they are under his management and control. Under these circumstances the daughter's degree of liability is removed and she is considered a dependent of her husband. Thus, when the responsible relative is a married daughter and the only income is community income of the couple, the daughter's degree of liability is removed.

Allowances for parents, brothers, sisters and grandchildren of servicemen are entirely voluntary and may be terminated at any time by the serviceman. (See Secs. 460-10, Dependents Eligible Under Servicemen's Dependents Allowance Act, and 460-50, Termination of Allowances.) Applicants and recipients shall not be required to request such allotments as a condition to the granting of aid.

If the person receiving aid has within the State a spouse or adult child pecuniarily able to support said person but who is not supporting or contributing to the extent of his ability as determined by the Relatives' Contribution Scale (or the lesser amount which the board of supervisors deems justifiable in unusual cases), the county shall request the district attorney or other civil legal officer of the county granting aid to proceed against such kindred in the order of their responsibility to support. Upon such demand, the district attorney or other legal officer shall on behalf of the county maintain an action in the superior court of the county granting aid against the relative. Such action shall be for the purpose of recovering such portion of the aid granted as the relative is able to pay and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable.

See Secs. 152-50, Contributions from Legally Responsible Relatives as Income, and 152-60, Offer of Support as Income.

Allowances for parents, brothers, sisters and grandchildren of servicemen are entirely voluntary and may be terminated at any time by the serviceman. (See Secs. 460-10, Dependents Eligible Under Servicemen's Dependents Allowance Act, and 460-50, Termination of Allowances.) Applicants and recipients shall not be required to request such allotments as a condition to the granting of aid.

See Secs. 152-50, Contributions from Legally Responsible Relatives as Income, and 152-60, Offer of Support as Income.

172-10 **Sec. 172-10 Investigation of Responsible Relatives Within State, ANC** Civ. C. Secs. 196; 196A;  
ANC W&IC Secs. 1520; 1521; 1560

The county shall determine the ability of the parent or parents of a child for whom application is being made, to assist the child. The financial situation of the parent or parents shall be verified.

When it is impossible to verify the parents' financial situation, the records must show the efforts of the county to obtain this information.

Allowances for parents, brothers, sisters and grandchildren of servicemen are entirely voluntary and may be terminated at any time by the serviceman. (See Secs. 460-10, Dependents Eligible Under Servicemen's Dependents Allowance Act, and 460-50, Termination of Allowances.) Applicants and recipients shall not be required to request such allotments as a condition to the granting of aid.

172-15 **Sec. 172-15 Determination Regarding Contributions from Out-of-State Responsible Relatives**

OAS; ANB; APSB; ANC W&IC Secs. 1520; 1521; 1560; 2140; 2141; 2160(f); 3075; 3084; 3472D;  
3460

When responsible relatives, including members of the armed forces, are living outside the State and there is reason to believe that they are contributing, or have ability to make some contribution, inquiry should be made to determine the amount of contribution, if any, or the amount which will be made. Inquiry should be made by direct correspondence with the relative unless the recipient has acceptable verification of the amount of the contribution received. There is no requirement that the relative's reply be a sworn statement, and the use of the usual responsible relative's form for securing information from relatives living outside the State is not recommended.

During the period of hostilities, inquiry need not be directed to responsible relatives living in war zones.

See Secs. 152-50, Contributions from Legally Responsible Relatives as Income, and 152-60, Offer of Support as Income.



## Sec. 172-05 Investigation of Responsible Relatives Within State, ANB; APSB

172-05

ANB; APSB

W&amp;IC Secs. 3075; 3088; 3460; 3474

The county shall determine the pecuniary ability of all legally responsible relatives (spouse, parent, or adult children) to assist the applicant or recipient. The securing of a signed responsible relative statement, although not mandatory, is an acceptable means of determining such ability.

In determining the pecuniary ability of the responsible relative to support, the following shall be taken into consideration:

1. Family responsibilities, including adequate support and care of dependents.
2. Expenses connected with employment, such as transportation, or other expenses incident to the retention of such employment.
3. Necessary expense for operation of commercial or agricultural enterprise, including the cost of livestock, taxes, interest and principal payments on encumbrances, necessary business and operating expenses which are past due and unpaid representing an obligation against the enterprise, depreciation, expenditures necessary to maintain the capital investment, etc.
4. Legal obligations and contracts already incurred; debts accumulated because of previous periods of unemployment of self or members of the family; medical or dental bills, with special regard for any additional health problems in the family, such as the illness of husband, wife, or child, together with the need for assistance in the home because of illness.
5. All regular monthly expenditures (including any periodic insurance premium payments) necessary to maintain a healthful and decent standard of living in the community.
6. When a spouse has separate income (as distinguished from community income), the extent to which the recipient or applicant is actually in receipt of assistance from such spouse, either in cash or in kind, shall be determined on the basis of the facts in each case, after giving due consideration to the spouse's needs.
7. When a spouse has community income (as distinguished from separate income), the spouse, provided he or she is not receiving categorical assistance, may retain sufficient of such community income for the support of himself or minor children. After the support of the spouse and minor children is met, the remainder of the income shall be considered income to the applicant or recipient unless it exceeds the amount retained by the spouse for his support and that of the minor children. In that event any excess shall be equally divided between the two spouses.
8. The degree of legal responsibility of an adult child, for which recovery action may be initiated, shall be determined on the basis of the facts in each case, after giving due consideration to the needs of the adult child.
9. When the responsible relative is a married daughter and there is no agreement between the couple, whereby the wife is permitted to retain her earnings as her separate property, the earnings of the wife represent the income of the husband since they are under his management and control. Under these circumstances, the daughter's degree of liability is removed and she is considered as a dependent of her husband; thus when the responsible relative is a married daughter and the only income is community income of the couple, the daughter has no legal responsibility on which recovery action may be initiated.

Aid shall not be denied if the responsible relative fails to return his Statement of Responsible Relative (Form BI 225) unless the investigation indicates the applicant is in receipt of contributions from responsible relatives, in cash or kind, meeting the extent of his verified need.

The granting of or continued receipt of aid shall not be contingent upon the filing of signed statements by responsible relatives or upon recovery of aid. Aid shall be granted to properly qualified persons regardless of whether they have relatives of proper degree of kinship who are able, though not willing, to support or to contribute to the support of the person. When it is determined that a legally responsible relative is pecuniarily able to contribute, the county may request the district attorney or other civil legal officer to initiate recovery action against such legally responsible relative.

When the initial inquiry and a 30-day follow-up request for a signed statement from the responsible relative brings no reply, or where it has been impossible to communicate with a responsible relative by any method within a reasonable time and other investigation is completed, action shall be taken on the application.

## 361-30 Sec. 361-30 Suspension Procedure

W&amp;IC Secs. 1552.5; 2220; 3078.5; 3460

OAS; ANB; APSB; ANC

Aid shall be suspended by the county when there is neither proof of continued eligibility nor proof of ineligibility. Suspension is the process whereby delivery of a warrant for a particular month for a current case is withheld beyond the month for which the warrant is issued, while circumstances which raise question regarding the recipient's continued eligibility are investigated. Upon completion of the investigation suspended warrants are either released to the recipient or canceled. Discontinuance of aid differs from suspension in that aid is discontinued only when the information establishes ineligibility for continued aid. (See Sec. 361-50, Discontinuance of Aid.) Under no circumstances shall an initial payment be suspended. (See Sec. 611-60, Initial Payments.)

When eligibility is established and the warrant is delivered on or before the last day of the month for which it is issued suspension action is not necessary.

In ANB and APSB, aid shall not be discontinued or suspended upon receipt of a Physician's Report on Eye Examination (Form Bl 227) which raises question as to the degree of blindness. Such a report shall be considered as conflicting evidence of eligibility in that one or more Forms Bl 227 indicating eligibility were previously obtained. The procedure outlined in Sec. 361-40, Continued Eligibility Questioned on Basis of Physician's Report on Eye Examination, shall be followed.

When information which raises question regarding continued eligibility makes it advisable to withhold delivery of the warrant for a particular month investigation of the eligibility question which caused the suspended payment shall proceed promptly and with all diligence in order that eligibility for continued aid may be established at the earliest possible date.

A list of all suspended warrants for each particular month shall be submitted to the SDSW, after approval by the board of supervisors. The action of the board of supervisors shall be taken not later than the first meeting of the month following that in which delivery of a warrant is withheld. This list shall include the State number, name of payee, the amount of the warrant, the reason for suspension, and the action (with the date) of the board of supervisors.

When suspension action is necessary a notice shall be forwarded to the county auditor requesting that delivery of the warrant for the specified month be withheld. The specific reason why eligibility is questioned shall be recorded on the notification to the auditor, a copy of which shall be retained in the county case record.

Counties may devise their own form for notification to the county auditor. It may be advisable for such notification to be the same size as the warrant as this facilitates filing information regarding the dates of release with such warrants when they are returned to the auditor's office after having been cashed by the payee.



## Sec. 361-25 Retroactive Aid Payments by County W&amp;IC Secs. 1560; 2140; 3075

361-25

OAS; ANB; APSB; ANC

Retroactive aid means aid paid in a subsequent month for some preceding month or months. All payments of aid shall be made within the month for which aid is granted (see Sec. 611-50, Beginning Date of Aid) except that retroactive aid may be paid by the county in the following types of situations:

1. When retroactive aid is granted upon appeal to the SSWB (see Sec. 325-75, Retroactive Aid).
2. When initial retroactive payments in OAS are made as described in Sec. 611-70, Retroactive Initial Payments.
3. When retroactive aid is granted because the investigation of an application following discontinuance due to employment is not completed within 30 days.
4. When a payment has been made for a given amount in conformity with the currently authorized award in effect at the time the payment was made, and it is found that the need for the month had increased. There will be Federal and State participation in the additional amount retroactively paid, provided that after action by the board of supervisors, the supplementary warrant is issued and delivered before the end of the first month following that for which the retroactive payment is made.

Example A: An OAS recipient receives \$30 for February as \$10 deduction is made because of contribution from a son. On February 5 county learns that son ceased his contribution in January, and that recipient has had no other income. He was, therefore, eligible to receive \$40 for February. Retroactive aid in the amount of \$10 for the month of February may be granted in March, provided warrant is delivered not later than March 31.

Example B: ANC in the amount of \$85 was paid for January to meet the budgetary deficiency for a family of mother and four children. On January 10, county learns that family had moved to more adequate living quarters and rent for January increased by \$7. Retroactive aid in the amount of \$7 for the month of January may be granted in February provided the warrant is delivered not later than February 28.

5. When a payment in any month is made for less than the authorized award and the erroneous payment is corrected within a three-month period, including the month in which the erroneous payment is made.

Example: The authorized award for a recipient of ANB for January is \$50. Due to an error, the recipient's January warrant was for \$40. County may pay recipient additional \$10 due him for January in February and not later than March 31.

6. When an award has been made and remains in effect, but payment of aid is suspended as provided in Sec. 361-30, Suspension Procedure.
7. When a warrant is returned to the county auditor's office because of a change in address of the recipient such warrant may be held and retransmitted in the subsequent month to the recipient's new address.

361-35 Sec. 361-35 Changes in Amount of Grant During Suspension of Aid W&IC Secs. 1560; 2140; 3075  
OAS; ANB; APSB; ANC

When it is found, during the suspension of aid, that the recipient was eligible for a lesser amount of aid than that for which the suspended warrant or warrants were issued, the original warrant and any other suspended warrants may be paid and a repayment sought from the recipient for the amount in excess of that to which he was eligible, or the original warrant and other subsequently suspended warrants may be canceled and a new warrant or warrants in the correct amount issued. (See Sec. 361-10, Decrease in Grant.) If the original warrant and any subsequently suspended warrants are canceled and a new warrant or warrants issued, the board of supervisors must approve the changed grant and the new warrant or warrants must be issued before the end of the suspension period.

When, during suspension of aid, it is determined that the recipient was eligible to a greater amount of aid than that for which a suspended warrant or warrants were issued, the original warrant or warrants may be released. The additional amount due for a particular month may be retroactively paid, provided the supplementary warrant or warrants are issued and delivered before the end of the month following that for which the retroactive payment is made or the original warrant may be canceled and a new warrant or warrants in the correct amount issued. (See Secs. 361-25, Retroactive Aid Payments by County, and 361-00, Increase in Amount of Aid.)

For method of filing claims see Sec. 626-50, Supplemental Aid Claims.

A Notice of Change (Form Ag, Bl, CA 232) shall be submitted to the SDSW, after action by the board of supervisors, showing the change in the grant, beginning as of the first day of the month in which it was effective.



When investigation establishes eligibility, two copies of a notification, prepared in triplicate, shall be forwarded to the county auditor requesting release of the warrant for the particular month. One copy shall be retained in the county file. A statement covering the results of the investigation which justified release of the warrant shall be included in the case record, either in the narrative or on the notification to the county auditor. Upon release of the suspended payment, the auditor shall indicate on the second copy the date of release of the warrant, sign it, and return it to the county welfare department where it shall be filed in the county case record.

When ineligibility is established the suspended warrant shall be canceled and a Notice of Change (Form Ag, Bl, CA 232) reporting discontinuance of aid effective with the last day of the month preceding that for which the warrant is canceled shall be submitted to the SDSW. (See Sec. 361-90, Notification to SDSW of Change in Grant.)

When factors beyond the control of the county delay the receipt of the information necessary for a determination regarding eligibility, a second warrant may also be suspended while the investigation is continued. Such situations may be due to failure to receive a reply from persons or agencies in another locality, to the physical condition of the recipient, etc. The warrant for the second month shall be issued, but delivery withheld. A notice shall be forwarded to the county auditor specifying the particular month for which delivery of the warrant is to be withheld and a copy of this retained in the county case record.

In extreme cases, delivery of the warrant for the third month may also be withheld. When the investigation has not determined by the last day of the third month, that the recipient is eligible, the warrant for the third month, together with the two suspended warrants shall be canceled, and Form Ag, Bl, CA 232 reporting discontinuance of aid, effective the last day of the month immediately preceding the first suspended payment shall be submitted to the SDSW. (See Sec. 361-90.)

When eligibility is established during the second or third month, the usual notification to the county auditor shall be forwarded in duplicate, requesting that the withheld warrants be released. The auditor shall return one copy to the county welfare department after indicating the particular warrants which were released and the date of release. In no case may the warrants be released later than the last day of the third month.

For procedure on claims on suspended aid payments see Sec. 626-45, Claims on Suspended Aid Payments.

**REVISION RECORD**

*Revisions issued in changing this chapter will be numbered in sequence. Changes made will be indicated by a vertical line in the margin of the corrected page, against the line or lines changed.*

*IT IS IMPORTANT that the holder of this Manual check the numbers below, corresponding with the numbers of the revisions when the latter have been incorporated in the Manual and the old pages removed, and that the State Department of Social Welfare be promptly notified in the event a number is passed without receipt of the corresponding numbered sheet.*

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**Sec. 150-40 Definition of Casual Income and Inconsequential Resources**

150-40

OAS; ANB W&amp;IC Secs. 2020; 2140- 2141; 3075; 3084

In OAS and ANB, that income which is determined to be casual income or an inconsequential resource shall not be considered in determining the grant of aid. Any portion remaining at the beginning of the month following receipt of such income shall be considered in determining the value of personal property holdings.

**Casual income** is that income which is unpredictable as to amount and time of receipt, which is of short duration, and which is of negligible importance in meeting those continuing needs of the recipient which are essential to maintenance. An evaluation shall be made in each individual case as to whether any particular income appreciably contributes in meeting the continuing basic needs of the recipient to determine whether such income is, in fact, casual. In no instance may an arbitrary determination be made that income of any given amount or from any given source is casual.

**An inconsequential resource** is the net return from a holding of either real or personal property the use of which makes no appreciable contribution to the meeting of those continuing needs of the recipient which constitute the necessities of life. The use of the net return from any resource available to the recipient shall be evaluated in terms of the continuing basic needs of such recipient to determine whether it is, in fact, inconsequential.

**Sec. 150-50 Types of Casual Income**

W&amp;IC Secs. 2020; 2140; 2141; 3075; 3084

150-50

OAS; ANB

Income received, including the net return from resources, shall be evaluated in terms of the continuing basic needs of the individual recipient to determine whether it is in fact casual or inconsequential. Income such as the following might be considered casual or the resources considered inconsequential.

1. **Income from occasional labor and services:** Net income in cash or in kind from employment which is occasional and of a temporary nature and which offers no security as a regular source of maintenance is casual income.

Example a: The neighbor of a recipient is called away from home due to illness of a relative. The recipient agrees to look after the children until the neighbor returns. The neighbor returns after several days absence and pays the recipient for her services. The employment is apparently temporary and occasional and offers no security as a regular source of maintenance; therefore, the income therefrom might be considered casual.

Example b: If, in example a, the recipient is one who regularly cares for children and who solicits or accepts this type of employment as a source of maintenance, the income from this type of employment might not be temporary or occasional and so might constitute a regular source of maintenance; the income therefrom would therefore probably not be considered casual income.

Example c: A recipient secures work helping in the harvesting of his neighbor's small olive crop. He is paid on a piece work basis. The work will not last longer than a few days and may be interrupted by inclement weather or the recipient's physical inability to complete the work. Since this work is temporary and occasional, the earnings therefrom offer no security as a regular source of maintenance; hence might be considered casual income.

Example d: A recipient serves on an election board. He may or may not be called upon to serve during future elections. The employment for one day only is apparently occasional and temporary and offers no security as a regular source of maintenance; therefore, the income therefrom might be considered casual.



Example e: A neighbor whose employment requires a few days absence from home at irregular intervals, employs a recipient to water his garden and look after his pets during his temporary absences. The employment is apparently occasional and temporary and offers the recipient no security as a regular source of maintenance; therefore, the income therefrom would probably be of no consequence in meeting continuing needs. Payment received for such services might be considered casual.

Example f: A retired musician, who is a recipient, unable to work regularly, undertakes, as an accommodation, to play in an orchestra in the place of one of the members who is ill. He works two days. Since this employment is apparently occasional and temporary and offers no security as a regular source of maintenance earnings therefrom might represent casual income.

Example g: A recipient who was formerly a musician received a position in an orchestra to take the place of a member who has been called east for an indefinite period. Since this is more or less a regular activity for an indefinite period, thus contributing appreciably to meeting the continuing basic needs of the recipient, the earnings would probably not constitute casual income.

Example h: A recipient crochets and occasionally sells pot holders. Since the net income, if any, from this activity is dependent upon occasional small sales and offers no security as a regular source of maintenance, the net return might be considered casual income.

Example i: A housewife, formerly employed as a domestic, assists a previous employer for a few days during illness in the family. Since this employment is temporary and in all probability would be occasional, and offers no security as a regular source of maintenance, the earnings therefrom might be casual income.

Example j: A recipient who is a retired piano tuner is asked to tune two pianos in a school building in preparation for a concert. He receives the usual compensation for this type of service. Since such employment is temporary and apparently occasional and offers no security as a regular source of maintenance the earnings therefrom might represent casual income.

2. **Occasional sale of products:** Net income derived from the occasional sale of products resulting from occupations engaged in wholly or primarily for their therapeutic value, such as net income from the occasional sale of art work, knitting, cabinet work, etc., shall constitute casual income. Similarly, the occasional sale of surplus garden, orchard or farm produce which is raised chiefly for the consumption of the recipient and his immediate family shall constitute casual income. Ordinarily there would be little or no net income from such pursuits, or the net income realized would be so occasional and in such small amounts that it would have no appreciable significance in meeting the continuing basic needs of the individual. Any proceeds received from the sale of products in furtherance of the war effort such as scrap rubber, scrap iron, etc., shall be deemed casual income, or conversion of personal property into cash, as the case may be, and shall not result in a corresponding deduction from the normal aid grant.

Example: A recipient crochets a bedspread. She does not engage in the business of crocheting articles for sale, this effort on her part merely being to "pass the time." However, she has an opportunity to sell the bedspread and does so. It is not anticipated that she will regularly make articles for purpose of sale. Since the net income, if any, is dependent upon an occasional sale of an article, any net income resulting therefrom would probably offer no security as a regular source of maintenance and would be temporary and occasional; therefore, it might be considered casual income.

3. **Income from occasional rental of rooms:** Income from rental (or subrental) of a room which is not ordinarily advertised or listed for rent and which is rented for a short period only as an accommodation due to some unusual circumstances, is casual income.

Example: A recipient owns a home which is ordinarily occupied only by herself and her sister. She does not advertise a room for rent and does not look upon the room as a source of income. However, she rents the room to a traveling demonstrator who will be in town for a few days only. Since any net income from this source is apparently temporary and very occasional and offers no security as a regular source of maintenance it might be considered casual income.

4. **Gifts:** The value of the usual small gifts in cash or in kind given in commemoration of holidays and anniversaries is casual income. Other occasional small gifts of food, clothing and household supplies might also constitute casual income.

A gift in cash or in kind earmarked for a specific purpose and not directly connected with the meeting of the basic needs of the recipient, such as the gift of a railroad ticket or of a sum of money for the purchase of such ticket might constitute casual income.

If the earmarked gift is retained for the specified purpose beyond the month in which it is received, it becomes personal property. A reputed gift of an appreciable amount from a responsible relative may in fact be a contribution rather than a gift, and determination shall be based on the pecuniary ability of the relative to make regular contributions toward the support of the recipient.

(Gifts of items of personal property such as the gift of a radio, refrigerator, chair, etc., do not represent income, but their market value shall be taken into consideration in determining personal property holdings in accordance with the rules governing the respective category of aid.)

5. **Produce and utility resources:** The value of the use of garden, orchard or farm produce, firewood and/or water, developed and utilized by the recipient and his immediate family might ordinarily constitute an inconsequential resource.

6. **Interest on savings accounts and securities:** Interest payments on savings accounts and securities are usually so small as to have no appreciable significance in meeting the continuing basic needs of a recipient and might in general constitute an inconsequential resource.

Example a: A recipient has a savings account of \$400 on which he will receive interest at the rate of  $1\frac{1}{2}\%$ , or \$6, payable semi-annually. This small amount of interest might be considered an inconsequential resource.

Example b: Should the recipient possess \$400 worth of bonds on which he receives interest at the rate of 5%, or \$20, payable quarterly, this more substantial amount of interest might not ordinarily be considered an inconsequential resource.

7. **Results of barter transactions:** The result of the exchange arising out of occasional barter transaction which does not materially assist the individual in meeting basic continuing needs, such as the exchange of wood produced on recipient's property for work on road leading to recipient's house, might be casual income.



## 150-60 Sec. 150-60 Recording of Casual Income and Inconsequential Resources

OAS; ANB

W&amp;IC Secs. 2140; 2141; 3075

When income received by a recipient is determined to be "casual income" or an "inconsequential resource" the case record shall show all of the facts which led to the conclusion that the income was in fact casual or the use of the resource was in fact inconsequential. It is not necessary to report the receipt of the casual income to the SDSW.

When the "casual income" is from earnings the record shall show:

1. The nature of the employment.
2. The circumstances at the time employment began which were reason for considering that it would be temporary and of short duration rather than permanent employment. This is ordinarily the statement of the recipient but information from other appropriate sources to support or refute his statement may be necessary in some cases.
3. The beginning date of the employment and the date employment terminated. The recipient's statement of the beginning date of employment is adequate unless there is information which conflicts with his statement, in which case independent information should be secured if possible. The date the employment terminated shall be verified through the best source available, the recipient's statement being accepted only when other sources of verification are not available.
4. The amount earned during the employment. Verification should be secured when reported earnings seem inconsistent with type of work and length of employment; otherwise, record statement of recipient.

Example: A recipient is employed in agriculture. Recipient reported that he intended to work only until the crop was harvested if he could "hold out" that long. He reports that employment began July 15. Grower stated that employment terminated August 25. Total earnings for period, for example, \$22.

When the "casual income" is from a source other than employment, or the net return from the use of a resource has been determined to be inconsequential, the record shall show:

1. Source of the income.
2. The amount of the income or the value of the resource and the date received as reported by the recipient. Verification should be secured when the income or the value of the resource seems illogical.
3. The facts on which conclusion is based that the income or the resource is of no appreciable value in meeting the continuing needs of the recipient.

**Sec. 151-00 Definition of Income** W&IC Secs. 2140; 2141; 3075

151-00

OAS; ANB; APSB

Income, other than casual income, is that which is actually available (not potential income) and which is received with sufficient regularity to form a basis on which the recipient may with security plan the necessary expenditures for his maintenance. Income means net income, i.e., that amount which remains after allowing for all normal items of expense incident to its receipt. Income may be in cash or it may be the value of a contribution in kind which materially assists the recipient in meeting his recurring basic needs, such as free rent, free board and room maintenance, etc.

Current income is that which is received in the current month or during the two months immediately preceding the current month. Regardless of the period over which it accrued it shall be considered income in the month received.

See Sec. 151-30, Definition of Exempt Income in APSB, and Sec. 150-40, Definition of Casual Income and Inconsequential Resources.

**Sec. 151-10 Definition of Income in ANC** W&IC Secs. 1560

151-10

ANC

Income is that which is actually available (not potential income). Income means net income after allowing for all normal items of expense incident to its receipt. (See Sec. 151-40, Definition of Small Intermittent Income in ANC.)

**Sec. 151-20 Definition of Resource** W&IC Secs. 1560; 2140; 2141; 3075

151-20

OAS; ANB; ANC

A resource is a holding of either real or personal property. The value of the "use of resources" means the net return from the resource and not the value of any capital portion of it. (See Sec. 150-40, Definition of Casual Income and Inconsequential Resources.)

**Sec. 151-30 Definition of Exempt Income in APSB** W&IC Secs. 3460; 3472

151-30

APSB

Exempt income means the combined income received from certain specific sources up to \$400 per year, which may be received without deduction from the grant.

These sources are:

1. Income from applicant's labor or service;
2. Value of foodstuffs produced by applicant or his family for his use or that of his family;
3. Value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use;
4. Value of gifts other than regular contributions by legally responsible relatives;
5. Value of use and occupancy of premises owned and occupied by applicant;
6. Net income from real or personal property owned by applicant.

After the exempt income exceeds \$400 in a given year, an adjustment shall be made in the amount of aid and the total income including aid shall not exceed \$50 per month. (See Sec. 361-15, Adjustment in Amount of Grant.)

An APSB recipient may have income totaling \$400 per year from exempt sources and continue to receive the maximum amount of aid, unless a smaller grant must be given because he is receiving contributions from legally responsible relatives or any other non-exempt income.

A blind person making application for aid who has a regular monthly income in excess of \$83.33 per month is deemed to have income sufficient to provide a reasonable and decent standard of living and is ineligible to aid.



**151-40 Sec. 151-40 Definition of Small Intermittent Income in ANC W&IC Secs. 1560**

ANC

Small, intermitten income is that income which is received in small amounts, without sufficient regularity to be counted in partially meeting the recurring budgetary requirements as determined for the family.

The grant shall not be decreased because of the receipt of small intermittent income.

Such income may include:

1. Income from parents' occasional employment;
2. Occasional earnings of children in the fruit, and other odd jobs;
3. Occasional rent of rooms;
4. Small gifts in cash or in kind;
5. Other similar types of irregular income.

**151-50 Sec. 151-50 Net Income From Wages, Salaries and Commissions W&IC Secs. 2140; 2141; 3075; 3460**

OAS; ANB; APSB

The net income from wages, salaries or commissions paid for services rendered is that amount which remains after allowing for the additional expense incurred by the recipient incident to the securing and retention of the employment. Such expenses may include:

1. Food—The reasonable cost of lunches or other meals necessarily purchased away from home due to employment.
2. Clothing—The cost of purchase of suitable clothing for employment. Although purchase of new clothing may not be necessary, employment may result in increased cost of clothing replacement.
3. Laundry and Cleaning Service—The cost of laundry and cleaning service if necessary because of employment.
4. Transportation—Cost of transportation incident to employment.
5. Union Dues—If union dues are paid.
6. Equipment—This may include the cost of tools necessary to the employment, the cost of camp tents, camp stoves, etc., if necessary because of employment away from home.

The case record shall show the method used in verifying the gross income. Those items which are deducted from the gross shall be clearly set forth so that the method by which the net income is computed is clearly indicated.

In OAS and ANB net income which is determined to be casual income shall be disregarded when determining the grant of aid. (See Sec. 150-40, Definition of Casual Income and Inconsequential Resources.)

**151-60 Sec. 151-60 Income from Annuities, Pensions, Compensation, Trust Funds, Etc.**

OAS; ANB; APSB; ANC

W&amp;IC Secs. 1560; 2140; 2141; 3075; 3460

Monies received from the following sources constitute income in the month received: (This list is not necessarily all-inclusive.)

1. Annuities;
2. Pensions (civil and military), including allowances to dependents of service men;
3. Benefits from industrial concerns, unions or lodges;
4. Old Age Survivors Insurance;
5. Industrial compensation payments except when the full award is made in a single payment. (A single payment in satisfaction of the full award is personal property.);
6. Unemployment compensation payments;
7. Trust funds;
8. In OAS, ANB, and APSB, services or care received under an enforceable contract.

**Sec. 151-70 Net Income from Subrental of Rooms** W&IC Secs. 2140; 2141; 3075; 3460  
OAS; ANB; APSB

151-70

The net return from subrental of rooms in a rented house is income. (See Sec. 150-50, Types of Casual Income.)

The net income from subrental of rooms in a rented home is determined as follows:

1. When a recipient occupies a rented house and sublets a room or rooms and the rent and utilities for the entire house together with the replacement costs of linens and other household equipment for the roomers and the cost of any necessary service connected with that portion which is subrented is in excess of \$15, subtract \$15 from the total paid for rent, utilities, etc., and deduct the remainder, representing expenses attributable to the roomers, from the total rent paid by the roomers. The difference, if any, represents income to be considered in determining the grant of aid.

Example: A recipient pays \$35 rent and sublets two rooms for a total of \$20. The total cost of utilities, replacement of linens, etc., is \$10. The sum of the house rent and total cost of utilities is \$45. The first \$15 of this amount is allocable to the recipient. From \$45 deduct \$15 leaving \$30 expense attributable to the roomers. Since this expense exceeds the gross income from the roomers, there is no income to be deducted in determining the grant.

2. When a couple, either or both of whom receive aid, rent a house in which rooms are sublet, the net income shall be computed as in the foregoing, except that income from the roomers shall be applied toward that portion of the total expense which exceeds \$30 rather than \$15.
3. When a recipient sublets a portion of a rented house and the sum of the house rent and total cost of utilities, replacements, etc., is \$15 or less (double the amount in the case of a couple), the net income from the roomers after deducting their share of the estimated cost of utilities represents income to the recipient (one-half this amount in the case of a couple).

Example: A single recipient rents a house for \$11 and sublets one room for \$6. The total cost of utilities, replacements, etc., is \$3. Since the total of the house rent and the utilities (\$14) does not exceed \$15, it is necessary to estimate that portion of the utilities incident to the renting of the room. This amount is determined to be \$1. The net income to the recipient is the difference between the gross rent paid by the roomer (\$6) and the expense incident to the rental of the room (\$1) or \$5. This amount (\$5) shall be considered in determining the amount of the grant.

In OAS when need for a single recipient is determined by the budget method and there is income from subrental of rooms, the following method may be used in lieu of the method outlined in the foregoing: In the budget under "Need" show the full amount of rent paid for the house and the total utility and service expense including that which is applicable to the roomers. Under "Income" show the gross income from the roomers. If the house is rented by the recipient and the ineligible spouse, show one-half of the rent paid for the house, and one-half of the total utility and service expense including that which is applicable to the roomers as "Need" and include one-half of the gross income for the roomers in the "Income" side of the budget.

**Sec. 151-80 Income from Purveying of Board and Room** W&IC Secs. 2140; 2141; 3075; 3460  
OAS; ANB; APSB

151-80

In determining net income from board and room furnished by an applicant or recipient reasonable allowance shall be made for the cost of food provided and those expenses incident to the rental of the rooms. The difference between the amount of board and room paid and the expense represents the net income. The expenses will vary with the individual situation and a definite formula can not be provided which will fit all situations.

The recipient shall be requested to keep an account of his income and expenditures. It is his responsibility to make his records available to the county for verification of the net income.

See Secs. 151-70, Net Income from Subrental of Rooms, and 152-10, Occupancy Value of Homes Owned by Recipients, when the income received is from rental or subrental of rooms only.



**151-90 Sec. 151-90 Income from Crops or Other Agricultural Products**

OAS; ANB; APSB; ANC

W&amp;IC Secs. 1560; 2140; 2141; 3075; 3460; 3472

Net income from the sale of crops or other farm products represents income to be considered in the month in which it is received. Net income shall be determined by deducting the expenses which are incident to its receipt from the gross income. This does not include principal payments on encumbrances. (In APSB, principal payments may sometimes be deducted as an expense when such payments are made on property which forms an integral part of the plan for rehabilitation.) Although income may not be prorated over a period equivalent to that in which it accrued, the expenses incident to receipt of the income may be averaged.

Due to the number and kind of products produced, the wide variation in the particular items of expense in connection with them, and the frequency with which the income is received, no method of determining net income can be prescribed which is applicable in all cases. The facts in the individual case shall be given consideration. The following expense items are among those which should be considered when applicable: Taxes, assessments, interest, water, seed, the cost of spraying, pruning, and other cultivation costs, food, wages, cost of necessary repair and minor replacement of equipment, etc.

Certain expenses such as taxes, assessments, etc., are determinable on an annual basis. It is recommended that such expenses be allowed on the basis of a fiscal period terminating prior to the receipt of the income. When the crop is such that the income is received semiannually or at more frequent intervals the proportionate share of the annual expenses may be considered together with other expense which is attributable to the production of the particular crop or product.

Upkeep expense is computed on the basis of actual expenditure and is not ordinarily applicable to any one crop. It may be deducted from the income from the crop or crops which mature next following the upkeep expenditure.

If the nature of the crop or product is such that it is desirable to determine the net income quarterly or semiannually any loss which is sustained for a particular period may be carried over as an expense to be added to the expense applicable to the next period.

The recipient shall be requested to keep an account of his income and expenditures. It is his responsibility to make his records available to the county for verification of the net income.

**152-00 Sec. 152-00 Net Income from Real Property**

W&amp;IC Secs. 1560; 2140; 2141; 3075; 3460; 3472

OAS; ANB; APSB; ANC

Net income from real property, other than the net value of occupancy of homes owned by recipients of OAS, ANB, and APSB, is that income which is available for the support of the applicant or recipient, or in ANC, the child or children, after deducting any reasonable expense in obtaining it, such as taxes, interest, upkeep, and assessments. (See Sec. 152-10, Occupancy Value of Homes Owned by Recipients.) Upkeep shall be computed on the basis of actual expenditures rather than upon a set figure unrelated to actual expenses. Principal payments on encumbrances are not deducted when determining net income from real property except as provided in Sec. 152-10. For exception in principal payments in APSB see Sec. 151-90, Income from Crops or Other Agricultural Products.

Net rental from property in which life estate is held shall be considered income. Net rental paid by one who is a responsible relative of the owner or the life tenant is interpreted as rental from property owned rather than as a contribution from a responsible relative.

Under the ordinary life estate agreement the life tenant is assured occupancy of the property, is entitled to all the income therefrom and is responsible for payment of taxes, upkeep and other obligations to keep the property in good condition. In OAS, ANB, and ANC, when expense items for which the life tenant is responsible are paid by another, the amount thereof represents income. In APSB, when expense items for which the life tenant is responsible are paid by a responsible relative, the amount thereof represents "non-exempt" income; if paid by a non-responsible relative, such income represents "exempt" income.

Payments made in accord with a life estate agreement which stipulates that the remainderman shall be responsible for the payment of certain expenses do not represent contributions to the life tenant. When property in which life estate is held was encumbered by the remainderman either before or after the creation of the life estate, encumbrance payments made by the remainderman shall not represent income to the life tenant.

When the existing life estate agreement is a verbal agreement only, it is advisable that it be confirmed in a notarized written statement signed by the remainderman and the life tenant and that a copy of such agreement be filed in the county welfare department record.

In OAS and ANB, the value of the free use and occupancy of property during the statutory redemption period of one year following a foreclosure sale represents income. In APSB, when the purchaser in the foreclosure sale is a responsible relative, the value of the free use and occupancy of the property is "non-exempt" income. When the purchaser is other than a responsible relative, the value of the free use and occupancy of the property is "exempt" income.

Payments from the sale of real property, sold under contract of sale, title not passing, are considered income, except that the last payment on each contract is conversion, not income, since title passes with the last payment. (See Sec. 146-00, Conversion of Property.) Allowance shall be made for interest payments on prior encumbrances in order to determine the amount of net income.

Net income from real or personal community property shall be shared equally with the spouse, whether eligible or ineligible. This does not apply to income from separate property owned by either spouse.

#### **Sec. 152-10 Occupancy Value of Homes Owned by Recipients**

152-10

OAS; ANB; APSB

WIC Secs. 2140; 2141; 3075; 3460; 3472

In OAS and ANB, the value of currently used resources shall be considered in determining the amount of aid. Homes owned and occupied by recipients of OAS and ANB are considered currently used resources and the value of their use shall be considered in computing the grant. In APSB, the value of the use and occupancy of premises owned and occupied by the applicant or recipient is exempt from consideration until the income, together with that from other exempt sources, exceeds \$400 per year.

The value of occupancy is determined in accordance with the assessed value of the property. The full assessed value is considered in determining the value of occupancy to the recipient, whether he alone occupies the home which he owns or whether it is shared with his spouse, or with others who may, or may not, have an interest in the property.

If the home is the separate property of the ineligible spouse who alone is bearing the cost of upkeep, taxes, etc., the recipient is, in fact, receiving free rent. The value is determined as in any other case in which free rent is contributed by another.

The recipient who holds life estate in property which he occupies is deemed to be the owner and value of occupancy shall be determined in the same manner as if title remained with him.



**Unencumbered homes** having a county assessed value of \$500 or less, have a minimum value of occupancy of \$3.00 per month. The value of occupancy shall be increased at the rate of \$1.00 per month for each additional \$500 assessed valuation or fraction thereof, up to a maximum of \$8.00 per month. The following table sets forth the occupancy value of unencumbered homes in accord with the county assessed valuation of the property.

Value of Occupancy of Unencumbered Homes	
Assessed Value	Value of Occupancy
Up to \$500	\$3.00
\$501 to \$1000	4.00
1001 to 1500	5.00
1501 to 2000	6.00
2001 to 2500	7.00
2501 to 3000	8.00

The application of the table may be modified when basic needs of the recipient other than shelter can not be met due to the excessive cost of taxes or assessments. In such event the case record shall show the particular costs which necessitated a modification of the table.

**Encumbered homes** have a value of occupancy which shall be determined by subtracting from the appropriate value of occupancy as shown in the table for unencumbered homes the required monthly payment on liens (including principal and interest). The remainder, if any, is the net value of occupancy on encumbered homes.

Example: Property assessed at \$1200 is encumbered for \$250. Monthly payments on the encumbrance are \$3.00, (principal \$2.50 and interest 50¢).

Value of occupancy from table for unencumbered homes	\$5.00
Less payments on encumbrance	3.00
Net value of occupancy	\$2.00

When a home is being bought on contract of sale, the net value of occupancy, if any, shall be determined by deducting the required monthly payment on the contract from the value of occupancy as shown by the table for unencumbered homes.

**Duplex dwellings** usually contain two identical units. Therefore, the value of occupancy of one unit occupied by the recipient shall be based on one-half the assessed value of the whole property. The net income from the other unit shall be determined in accord with Sec. 152-00, Net Income from Real Property.

**An apartment** in a building owned by the recipient has a value of occupancy which is determined by dividing the assessed valuation of the whole property by the number of apartments. The net income from the other apartments is determined in accord with Sec. 152-00.

Example: Apartment house of four comparable units is assessed for \$2800. Net value of occupancy of one unit (occupied by recipient) is based on one-quarter of assessed valuation of the whole property.

When rooms (as distinct from apartments) in a home owned and occupied by the recipient are rented the net value of occupancy shall be determined and, in addition, any net income from roomers shall be considered in determining the grant. The net income from roomers shall be determined by deducting from the gross income from roomers the costs of home ownership (i.e., taxes, insurance, repairs, payments on liens) as well as the costs of extra utilities and services and the replacement costs for linens or other household equipment for the roomers.

Example: Unencumbered home assessed at \$1400. The gross income from two rented rooms is \$30. Taxes, insurance, and repairs and the extra cost of utilities and replacement costs for the roomers average about \$15 per month. Gross income from roomers \$30 less \$15 leaves \$15 net income from roomers. Value of occupancy of the home \$5, as per table. Gross deduction because of occupancy of the home and net income from roomers, \$20.

When the cost of home ownership (i.e., taxes, insurance, repairs, payments on liens), and the cost of extra utilities, replacement costs, etc., exceeds the gross income from roomers, the difference shall be deducted from the value of occupancy as determined by the table.

Example: The situation is the same as in previous example, except that the home is encumbered. Monthly payments on the encumbrances \$20. Therefore, gross income from roomers \$30, less \$35 (payments on liens \$20, average monthly costs of taxes, insurance and repairs and additional utilities and replacements \$15), leaves no net income from roomers but a net loss of \$5. Value of occupancy as determined by the table is \$5. Therefore, there is no deduction either for value of occupancy or for income from roomers.

**Two or more separate dwellings**, one of which the recipient occupies, may be located on property owned by him. The value of occupancy of the one dwelling shall be determined by dividing the assessed valuation of the whole property by that fraction which represents the number of rooms in the occupied dwelling over the total number of rooms in all dwellings located on the property.

Example: Property has front house of six rooms and rear cottage of three rooms which is occupied by recipient. Value of occupancy of rear cottage would be based on  $\frac{3}{9}$ , or  $\frac{1}{3}$  of the total assessed value of the whole property. The net income from the rented dwelling shall be determined according to Sec. 152-00.

**Farm or ranch homes** are usually located on property consisting of a number of acres. In general it shall be considered that one acre of the land is attached to the dwelling and the value of occupancy shall be based on the assessed value of the dwelling and one acre of land.

Example: Home consists of dwelling and 20 acres of orchard. Assessed value RE \$1000, Imp. \$300, total \$1300. Value of occupancy would be computed on the assessed value of \$350 (Imp. \$300 + RE \$1000)

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If an income is derived from the orchard the net income shall be computed in accordance with Sec. 151-90, Income from Crops or Other Agricultural Products, and the taxes on the balance of the land ( $\frac{950}{1300}$  or  $\frac{19}{26}$  of taxes on whole property) is considered an

expense and allowed in determining net income from that portion of the property.

When the home is a part of business property such as chicken, dairy, or other ranching enterprise, and the assessed value of improvements (or buildings) in part belongs to the enterprise and in part to the dwelling, the portion of the assessed value of improvements to be considered as belonging to the home is left to the judgment of local authorities, unless allocation of assessed value



of the dwelling can be secured from the assessor's records. Value of occupancy shall be computed on assessed value as with other homes.

Example: Home is on a dairy ranch. Assessed value RE \$1000, Imp. \$2000, total \$3000. Improvements consist of small three-room dwelling and large, modern barn, dairy, etc., on 50 acres. It is determined by local authorities that the dwelling represents only  $\frac{1}{4}$  of the value of all improvements. The assessed value of the dwelling shall be  $\$500 + \$20$  (1 acre of land or  $\frac{1000}{50} = \$20$ ) or \$520.

50

If the home is part of an urban business property such as store building with apartment above, the assessed value of the portion used as the home shall be determined as above.

**Homes on land owned by another** may be assessed as personal property to the owner of the dwelling. Determine the value of occupancy in the same manner as for real property. Such homes may include cabins on Federal lands such as national forests, Indian reservations or allotments, land owned by a corporation or private land owned by another; trailer houses, etc.

If the dwelling is not assessed, the value of occupancy shall be based upon the appraised value in accord with the following table.

Appraised Value	Value of Occupancy
\$500 or less-----	\$3.00
501 - 799-----	4.00
800 - 999-----	5.00
1000 - or over-----	6.00

If rent is paid for the land on which the dwelling rests, the value of occupancy is determined by subtracting the monthly land rent from the appropriate figure set forth in the foregoing table. (See Sec. 150-40, Definition of Casual Income and Inconsequential Resources.)

A makeshift shelter of negligible value may be considered as inconsequential resource.

152-20 **Sec. 152-20 Income from Personal Property** W&IC Secs. 1560; 2140; 2141; 3075; 3460; 3472  
OAS; ANB; APSB; ANC

Returns in the form of interest on money, bank or building and loan accounts, bonds, dividends upon stock, or other returns from personal property represent income. (See Sec. 150-50, Types of Casual Income.)

Cash received as beneficiary of an insurance policy other than an insurance policy of the spouse and cash received on a periodic basis from an insurance policy owned by an applicant or recipient (whether life, disability, compensation, or retirement insurance), represents income.

In OAS, ANB and APSB, income derived from personal community property shall be shared equally with the eligible or ineligible spouse.

In ANC, benefits paid by OASI shall be considered part of the general family income. They shall not be considered as only the income of the person on whose behalf they are paid.

Example: A widow receives OASI benefit of \$19 and her child, \$12. Their combined income of \$31 is considered as family income. The child may receive the full grant of ANC if it is necessary to meet the needs of the family.

**Sec. 152-40 Loans as Income** W&IC Secs. 1560; 2140; 2141; 3075; 3460; 3472  
OAS; ANB; APSB; ANC

152-40

A bona fide loan contracted by a recipient carries with it the obligation for repayment and hence can not be considered as making available to the recipient any net or factual amount of income. (See Glossory, Loan.) The funds derived as a result of a bona fide loan, as distinguished from a gift, are equalized by the corresponding indebtedness incurred. The proceeds of such loans shall not be considered income to the recipient when they emanate from non-responsible relatives, friends, persons or agencies, including fraternal, benevolent and non-profit organizations, or, in OAS, private institutions on whom there rests no legal obligation for support.

Loans from a responsible relative may be considered as income because of the legal responsibilities of the relative, provided the responsible relative has the pecuniary ability to contribute the amount of the loan. The loan shall not be considered income when the relative has no such pecuniary ability and the loan must be repaid.

In OAS personal property holdings, in ANB and APSB real and personal property holdings, and in ANC cash and security holdings shall be re-evaluated on the first of the month following the receipt of a loan to determine whether such holdings are within the maximum permitted for the particular category of aid.

**Sec. 152-50 Contributions from Legally Responsible Relatives as Income**

152-50

OAS; ANB; APSB

W&amp;IC Secs. 2140; 2141; 3075; 3460; 3472

The amount of contributions received from legally responsible relatives in cash, the value of items of support given in kind, i.e., room, board, clothing, etc., and payments made by responsible relatives on behalf of the recipient and for which the recipient is responsible, i.e., premiums on the recipient's insurance policy, mortgage payments on the recipient's real property, etc., represent income. (See Sec. 152-60, Offer of Support as Income.)

The ineligible spouse of a recipient may apply to his or her own support and the support of his dependent children such of his income, from earnings, annuities, pensions, allowances from servicemen, etc., as is necessary before applying the remainder, if any, to the support of the recipient. In no event shall the amount retained by the ineligible spouse from the serviceman's allowance exceed \$37. (See Secs. 172-00 and 172-05, Investigation of Responsible Relatives Within State.)

When both parents are receiving OAS, ANB or APSB, contributions from children, including allowances from servicemen, shall be allotted equally between the parents, unless a child stipulates that the contribution is not to be so divided.

There shall be no arbitrary division of earnings of minor children. The method of determining the amount of the earnings of the minor child to be used in a household in supplementing or in any way determining the amount of aid to be granted shall be based upon the emancipation of such minor. (See Sec. 171-40, Rights and Privileges of Parents of Minor Children.)



152-60 **Sec. 152-60 Offer of Support as Income** W&IC Secs. 2140; 2141; 3075; 3460; 3472  
OAS; ANB; APSB

A mere offer of a contribution for support by a responsible relative or anyone else is not in itself sufficient to render a recipient ineligible. Only contributions for full or partial support which are actually received or unconditional offers of cash shall be considered as income.

The following statements apply to all offers in kind from any source and to all conditional offers of cash in either of which the applicant or recipient does not have a property right. If the cash offer is dependent upon fulfillment of a certain condition or upon refraining from a particular act, e.g., living or not living in a certain place, upon refusal of the offer by the applicant or recipient, he shall be granted aid, if otherwise eligible.

When the applicant has a property right, i.e., insurance, OASI, stocks, bonds, court order for support, life care contract, or other resource which he owns or in which he has an interest, the benefits accruing from such property are income. (See Sec. 152-20, Income from Personal Property.)

152-70 **Sec. 152-70 Income from Adults to Family Budget Unit** W&IC Secs. 1560  
ANC

When a parent of children receiving aid is living in the home and working all earnings are considered as income to the family budget unit. Special expenses incident to the employment shall be allowed in the budget. The actual contribution made by parents not living in the home shall be considered income. The ability of parents to support or contribute is determined by the relationship between the parents' verified income and their reasonable needs.

In general when the OAS, ANB or APSB recipient is a parent of the child or children receiving ANC his prorated share of rent, utilities and household operations is deducted from the budget, as determined for the other parent and children.

When the parent receiving OAS, ANB or APSB is making a definite contribution to the family budget unit from his grant, net income to the family budget unit is determined by deducting food per budget schedule and the individual's prorated share of rent, utilities and household operation from the actual contribution.

Net contribution from adult children or other adults in the home not included in the family budget unit is determined, and considered as income to the family budget unit as set forth in the preceding paragraph.

An allowance from a serviceman is considered as any other contribution from an adult or minor not living in the home, i.e., as income.

## Sec. 152-80 Income from Minors in ANC W&amp;IC Secs. 1560

152-80

ANC

Employed minors include:

1. Minors who may be receiving ANC and earning small intermittent amounts;
2. Minors who are regularly employed while attending school;
3. Minors who work only in the vacation periods;
4. Minors who may be employed part-time and continuing an educational program; or
5. Minors who are over 18 and have full-time jobs.

To maintain stable family relationships and to encourage employed minors to remain in the home as happy, participating members, the general principles set forth herein shall govern.

1. Requirements incident to employment and other special individual needs of all employed minors shall be taken into consideration in determining net income to the family budget unit.
2. Small occasional earnings from odd jobs shall not be cause for a reduction in the grant.
3. Vacation earnings may be used for educational and other special needs upon verification and recommendation of the county welfare department.
4. Definite allowances shall be made for the regularly employed unemancipated minor over 18 years of age, for:
  - a. Lunches away from home;
  - b. Clothing, in addition to amounts given in the basic budget schedule;
  - c. Allowances for dental and medical care;
  - d. Transportation;
  - e. Personal allowances.

When unemancipated minors are under 18 years of age:

1. Net earnings are determined as actual earnings less itemized expenses incident to employment and special individual needs; or
2. Actual earnings are considered as income and expenses incident to employment and other special needs are shown as "special items" in the budget.

When an unemancipated minor over 18 years of age:

1. Is employed part time or is earning an amount sufficient to cover actual needs only:
  - A. Budget as described for minors under 18; or
  - B. The county may otherwise determine, and establish in the record that the minor's earnings cover his own needs and provide no income for the family budget unit.
2. Is regularly employed and actually contributing at least one-half of his net earnings (actual earnings less automatic deductions made by the State and Federal Governments), include the minor as a member of the family budget unit, when determining size of family for purposes of budgeting for items of rent, utilities, and household operations. The item for his food is allowed according to the basic ANC budget schedule. (He is expected to cover his clothing, personal and special needs from the balance of his earnings.) His actual contribution is shown as income.



3. Is regularly employed and not actually contributing at least one-half of his net earnings, include the minor in the budget for all household items and also for food, clothing, and personal needs as shown in the basic ANC budget schedule and show net earnings as income. Net earnings are gross earnings less automatic deductions made by the State and Federal Governments, union dues, and special allowances for the employed minor. Counties may make a determination in the individual case on a factual basis for these items or use the amounts given in the following schedule as deductions for special allowances:

## SPECIAL ALLOWANCES FOR THE EMPLOYED MINOR CHILD

Items	Amount
Lunches away from home-----	\$7.50
Clothing needs in addition to basic schedule-----	3.00
Transportation -----	4.00
Dental and medical care (Minimum, adjust to individual case)-----	3.00
Personal (including education, recreation, church, lodge, etc.)-----	15.00
	<hr/>
	\$32.50

(Other items may be included if required in the individual case.)

An emancipated minor living in the home shall not be budgeted, but he is counted when determining the size of the family for the purposes of budgeting the family unit for the items of rent, utilities, and household operations. The amount of these items would appear in the budget for the family unit after deducting the minor's prorated share. His net contributions shall be considered as income to the family budget unit. Net contribution is actual contribution minus food as per budget schedule and minor's prorated share of rent, utilities, and household operation.

When an emancipated minor has left the home his actual contribution shall be considered income.

See Sec. 152-70, Income from Adults in Family Budget Unit, for provision regarding contributions from servicemen.

**Sec. 153-00 Evaluation of Income in Kind in ANC**      **W&IC Sec. 1560**  
**ANC**

153-00

When income in kind, representing a portion of a budgetary item, is received with sufficient regularity to be counted toward meeting continuing needs such income should be evaluated by the county and the estimated value determined on a monetary basis.

Income from home produced food, which is irregular and can not be depended upon, shall not be considered.

When income in kind is a total budgetary item, such as free rent and free board, no evaluation shall be placed on this income as the corresponding items would not appear in the budget.

Medical care is not considered aid in kind.

**Sec. 153-10 Gifts as Income**      **W&IC Secs. 2140; 2141; 3075; 3460; 3472**  
**OAS; ANB; APSB**

153-10

In OAS and ANB, gifts in cash or the value of items of support in kind such as board, room, clothing, etc., received from others, including public or private agencies, fraternal, benevolent and non-profit organizations, or private institutions having no legal obligation for support, represent income. Gifts which have no significance in meeting the continuing needs of the recipient and which have been determined to represent casual income shall not be considered in determining the grant of aid. (See Secs. 150-50, Types of Casual Income, and 152-60, Offer of Support as Income.)

In APSB, when gifts are received from a responsible relative the amount thereof represents "non-exempt" income; or if from a non-responsible relative, the value of such gifts is subject to the \$400 exemption.

Gifts of items of personal property such as the gift of a radio, refrigerator, chair, etc., do not represent income.



153-40 **Sec. 153-40 Income from Court Orders** W&IC Secs. 1560; 2140; 2141; 3075; 3460; 3472  
OAS; ANB; APSB; ANC

When there is a court order for the full or partial support of the applicant or recipient (or the child in ANC) he shall be considered to have income in the amount awarded by the court. The actual amount received under a court order rather than the amount awarded by the court shall be considered as income in the following situations:

1. Upon a showing that the court order is not enforceable because the person ordered to pay is unable to do so;
2. When the court granting the award no longer has jurisdiction;
3. Upon a showing that the applicant or recipient has made a request of the court for enforcement of the order.

The case record shall show the date and provisions of the court order. When the amount of income is less than that provided in the court order, the case record shall show the facts which lead to consideration of a lesser amount.

153-50 **Sec. 153-50 Allotments from Inmates of Penal Institutions** Pen. C. 2763; 2780; 2784;  
OAS; ANB; APSB; ANC W&IC Secs. 1560; 2140; 2141; 3075; 3460; 3472

Allotments from inmates of penal institutions as provided in Secs. 2763 and 2780 of the Pen. C. shall be considered as income in the month received and adjustment of the grant made according to the policy of the respective category of aid.

Sec. 2763 of the Pen. C. requires that the State Department of Public Works shall pay the dependents on OAS, ANB, APSB or ANC of an inmate employed in a State prison road camp, a monthly sum from the net credit to each inmate's account as provided below. The amount paid shall be that which the State Department of Public Works estimates will equal, but not exceed, two-thirds of his total credit during the period of his employment. Immediately prior to, or upon the termination of, the employment of any inmate for any reason, any additional payment necessary to bring the total amounts paid to such dependents up to two-thirds of the inmate's net credits shall be made. No payment shall be made to dependents until there is a net credit to the inmate's account of at least \$25. No payment shall be made to dependents which will reduce the net credit below the sum of \$25.

When an inmate's dependents are not receiving aid the inmate may voluntarily designate the persons to receive his allotment.

Under the provisions of Sec. 2780 of the Pen. C., the Divisions of Forestry, Parks, and Fish and Game of the Department of Natural Resources and the Division of State Lands in the Department of Finance may use inmates of State penal institutions in camps. Federal officials may also use inmates of State penal institutions to perform necessary and proper work in national forests and parks.

When inmates are paid for their labor under Sec. 2780 of the Pen. C., the Prison Board shall monthly pay two-thirds of the net credit to each inmate's account, to those dependents who are receiving OAS, ANB, APSB or ANC. When the dependents are not receiving one of these forms of aid such inmate may, by signing a written order, direct the Prison Board to pay an amount, not exceeding two-thirds of his net credit to such dependents as he designates, according to Pen. C., Sec. 2784. It further provides that when an inmate is discharged, while at a camp, all sums due him shall be paid upon release. When an inmate is returned to a penal institution or released on parole, his net credits shall be paid to the warden of his penal institution and by him paid to the inmate, as prescribed by the Prison Board.

The California Institution for Men at Chino is the only penal institution which has a forestry camp at present. Pending establishment of other camps, Folsom, San Quentin and the road camps connected with these institutions are assigning inmates to combat fires in emergencies on a day to day basis.

When a recipient of aid is known to be a dependent of an inmate employed in a State prison road camp or under provisions of Sec. 2780 of the Pen. C., the county shall verify the amount of allotment, if any.

Dependents are relatives for whose support the convict is legally responsible. See Secs. 170-05, Relatives, OAS Law, 170-10, Relatives, ANB and APSB Laws, and 170-15, Relatives, ANC Law. In ANC, the mother is not deemed to be receiving ANC for herself. Therefore, since the children are the only persons receiving ANC, the father is the only relative to whom these provisions of the Pen. C. apply, and mandatory allotments may not be made to brothers and sisters of inmates.

When a responsible relative (in ANC, a parent) is an inmate of a State penal institution, the county shall inform the institution that the inmate has a dependent who is receiving aid. See Sec. 193-30, Classification of Half Orphan, P.C.I., for necessary verifications in ANC. Notification of any assignment to a road camp or under the provisions of Sec. 2780 of the Pen. C. shall be requested.

When a responsible relative is in a prison road camp the county shall advise Prison Camps, Division of Highways, P. O. Box 1499, Sacramento, California, of the name of the recipient (in ANC the payee or in BH&I cases the county) to whom the allotment shall be paid.

When the county is advised by a penal institution that an inmate is employed under the provisions of Sec. 2780 of the Pen. C. and of the amount credited to the dependents, the county shall, in turn, give the warden or superintendent of the penal institution the name of the person to whom the allotment shall be paid.

The county shall notify Prison Camps, Division of Highways, or the penal institution when aid is discontinued for a person receiving mandatory allotments from an inmate's road camp earnings or under provisions of Pen. C. Sec. 2780.

Allotments are usually not available until the prisoner has been in camp four months. Allotments are not regular, and are variable in amount, depending upon the number of days worked, cost of maintenance and deductions for commissary purchases.

In OAS, ANB and APSB allotment checks shall be made out by the Department of Public Works or the penal institution to the recipient of aid. In ANC, these checks shall be made to the payee when the child is living with the mother or a relative, or to the county when the child is living in a boarding home or institution.

Allotments to persons, other than responsible relatives, are voluntary and are initiated solely on the request of the prisoner himself. After the prisoner signs the form requesting such an allotment Prison Camps, Division of Highways, or the penal institution obtains an affidavit from the allottee giving the relationship to the prisoner.

Information regarding voluntary allotments in an individual case may be obtained from Prison Camps at the above address or from the warden or superintendent of the penal institution for inmates employed under Sec. 2780.

The county is notified of date and amount of each allotment check by the State Department of Public Works or the penal institution. The county is also notified when the prisoner leaves camp.



**153-60 Sec. 153-60 Income from Non-Profit, Fraternal or Benevolent Institution**

OAS; ANB

W&amp;IC Secs. 2160.5, 3045

A person who is receiving care in a non-profit, fraternal or benevolent institution is considered to have income in the amount by which the per capita cost exceeds payment for room, board and services; e.g., an OAS recipient lives in an institution with a per capita cost of \$45 and pays \$35 per month for his board, room and services. He is considered to receive a contribution of \$10 per month from the institution and such contribution is considered in determining his total income. That amount by which the per capita cost of such non-profit, fraternal or benevolent institution exceeds the amount actually paid represents need in excess of the basic grant, toward which the total income of the individual shall be applied. (See Secs. 163-45, Per Capita Cost and Need in Private Institutions, and 163-50, Per Capita Cost and Need in Non-Profit, Fraternal and Benevolent Institutions.)

**153-70 Sec. 153-70 Income from Private Agencies or Other Sources**

W&amp;IC Secs. 1560; 2140; 2141; 3075;

OAS; ANB; APSB; ANC

3460; 3472

Income currently received from a private social agency or other source such as a fraternal or benevolent association or service clubs shall be verified prior to the granting of aid. The extent of future participation in the support of the applicant or recipient or the date when the present income will terminate shall be verified. (See Sec. 233-25, Verification of Income.) Determination shall be made as to whether the income is regular fixed income or in ANC, small intermittent income, or in OAS, ANB and APSB, casual and inconsequential income.

**153-80 Sec. 153-80 Allocation of Income to Ineligible Spouse**

W&amp;IC Secs. 2140; 2141; 3075; 3460; 3472

OAS; ANB; APSB

In OAS and ANB, the applicant or recipient may allocate to his or her ineligible spouse who is without support, a portion of his income from earnings, annuities, pensions, both civil and military, including allowances from servicemen, OASI, regular payments received because of compensation laws, both industrial and unemployment, and any income other than that from separate property owned by applicant or recipient. The amount allocated shall not exceed one-half of such income, and in no event shall it exceed a reasonable amount necessary for the support of the ineligible spouse, as determined by investigation in each individual case. No allocation of such income may be made for the support of minor children. Where the applicant or recipient is receiving OASI benefits, the apportionment to his spouse shall not continue after she has reached the age of 65, at which time she becomes eligible by virtue of her husband's "primary benefit" to payments in her own right.

In APSB, the amount allowed to the ineligible spouse shall not exceed one-half of such income and in no event shall it exceed \$400 per year.

AGED AID AFFIDAVIT

FROM \_\_\_\_\_ COUNTY  
FOR THE SUPPORT OF NEEDY AGED PERSONS  
FOR THE MONTH OF \_\_\_\_\_, 19\_\_\_\_, FISCAL YEAR  
(STATE USE ONLY)

AMOUNT DUE FROM FEDERAL FUNDS FOR AID	CORRECTED AMOUNTS (STATE USE ONLY)
1. TOTAL AMOUNT OF AID PAID TO _____ AGED PERSONS UNDER THE OLD AGE SECURITY LAW FOR THIS MONTH. (SAME AS ITEM G, COL. 1, FORM AG 802).....	\$ _____
2. TOTAL AMOUNT PAID TO _____ AGED PERSONS INELIGIBLE TO FEDERAL AID. (TOTAL OF ITEMS B AND C, COL. 1, FORM AG 802).....	\$ _____
3. TOTAL AMOUNT IN EXCESS OF \$40.00 PAID TO AGED PERSONS ELIGIBLE TO FEDERAL AID. (SAME AS ITEM G, COL. 2, FORM AG 802).....	\$ _____
4. TOTAL OF ITEMS 2 AND 3.....	\$ _____
5. NET BASIS FOR FEDERAL PARTICIPATION. (ITEM 1 MINUS ITEM 4).....	\$ _____
6. AMOUNT DUE FROM FEDERAL FUNDS FOR AID. ( $\frac{1}{2}$ OF ITEM 5) (SAME AS ITEM G, COLUMN 3, FORM AG 802).....	\$ _____
7. FEDERAL SHARE OF ADJUSTMENTS (TOTAL COL. 7, FORM AG 803).....	\$ _____
8. FEDERAL SHARE OF CANCELLATIONS FOR PREVIOUS MONTHS (TOTAL COLUMN 9, FORM AG 804).....	\$ _____
9. TOTAL OF ITEMS 7 AND 8.....	\$ _____
10. AMOUNT DUE FROM FEDERAL FUNDS FOR AID. (ITEM 6 MINUS ITEM 9) (BASIS FOR ADMINISTRATIVE EXPENSE CLAIM. SAME AS ITEM 1, FORM AG 807).....	\$ _____
11. FEDERAL SHARE OF COLLECTIONS (TOTAL COL. 8, FORM AG 805).....	\$ _____
12. NET AMOUNT DUE FROM FEDERAL FUNDS FOR AID. (ITEM 10 MINUS ITEM 11)....	\$ _____

AMOUNT DUE FROM STATE FUNDS FOR AID	CORRECTED AMOUNTS (STATE USE ONLY)
13. TOTAL AMOUNT DUE FROM STATE FUNDS FOR AID. (SAME AS ITEM G, COL. 4, FORM AG 802).....	\$ _____
14. STATE SHARE OF ADJUSTMENTS (TOTAL COL. 8, FORM AG 803).....	\$ _____
15. STATE SHARE OF CANCELLATIONS FOR PREVIOUS MONTHS (TOTAL COLUMN 10, FORM AG 804).....	\$ _____
16. STATE SHARE OF COLLECTIONS (TOTAL COL. 9, FORM AG 805).....	\$ _____
17. TOTAL OF ITEMS 14, 15, AND 16.....	\$ _____
18. NET AMOUNT DUE FROM STATE FUNDS FOR AID. (ITEM 13 MINUS ITEM 17).....	\$ _____

AMOUNTS FOR REPORTING PURPOSES ONLY	CORRECTED AMOUNTS (STATE USE ONLY)	APPROVAL STAMP
19. TOTAL ADJUSTMENTS (TOTAL COL. 5, FORM AG 803).....	\$ _____	
20. TOTAL CANCELLATIONS FOR PREVIOUS MONTHS (TOTAL COLUMN 7, FORM AG 804).....	\$ _____	
21. TOTAL COLLECTIONS (TOTAL COL. 6, FORM AG 805).....	\$ _____	

STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ } SS.

\_\_\_\_\_, BEING DULY SWORN, DEPOSES AND SAYS: THAT HE IS THE COUNTY OFFICIAL RESPONSIBLE FOR THE ADMINISTRATION OF AID TO NEEDY AGED IN AND FOR THE SAID COUNTY; THAT ALL PROVISIONS OF CHAPTER 1 OF DIVISION III OF THE WELFARE AND INSTITUTIONS CODE, AND AMENDMENTS THERETO, AND TITLE I OF THE SOCIAL SECURITY ACT, AND AMENDMENTS THERETO, HAVE BEEN COMPLIED WITH TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_  
\_\_\_\_\_  
TITLE \_\_\_\_\_

SIGNATURE OF WELFARE DIRECTOR OR OFFICIAL IN CHARGE  
TITLE \_\_\_\_\_  
APPROVED \_\_\_\_\_  
CHAIRMAN, BOARD OF SUPERVISORS

I HEREBY CERTIFY, THAT WARRANTS COVERING ALL AMOUNTS DUE UNDER THE LAW HAVE BEEN ISSUED AND CHARGED TO FUNDS FOR AID IN ACCORDANCE WITH THE OLD AGE SECURITY LAW, CHAPTER 1 OF DIVISION III OF THE WELFARE AND INSTITUTIONS CODE, AND AMENDMENTS THERETO.

SIGNATURE OF COUNTY AUDITOR



FORWARD TWO COPIES TO THE  
THE DEPARTMENT OF SOCIAL WELFARE  
SACRAMENTO, CALIFORNIA

PAID BY \_\_\_\_\_ COUNTY, CALIFORNIA

FOR THE MONTH OF \_\_\_\_\_, 19\_\_\_\_

WARRANTS DATED

1	2	3	4	5	6	7	8	9
NAME	STATE NUMBER	TOTAL AID PAID UNDER OLD AGE SECURITY LAW (NOT TO EXCEED \$50 PER MONTH)	AMOUNT IN EXCESS OF \$40 ON FEDERAL CASES	FEDERAL SHARE NON- COUNTY CASES	STATE SHARE NON-COUNTY AND NON- FEDERAL CASES	DO NOT WRITE IN THIS SPACE	WARRANT NUMBER	
FAMILY	GIVEN				(COMPLETION OF COLS. 6 AND 7 OPTIONAL.)			



AGED RECAPITULATION SHEET

From \_\_\_\_\_ County

FOR AID TO NEED AGED PERSONS

For month of \_\_\_\_\_, 19\_\_.

	COLUMN 1 Total Aid Paid Under Old Age Security Law (TOTAL COL. 4, FORM AG 801)	COLUMN 2 Amount in Excess of \$40.00 in Federal Cases (TOTAL COL. 5, FORM AG 801)	COLUMN 3 Federal Share	COLUMN 4 State Share
A) TOTAL AND EXCESS AID (Non-Federal, Non-County, Non-County Non-Federal, and Regular Cases) SHOW IN COLS. 1 & 2	\$	\$		
B) LESS: TOTAL OF NON-FEDERAL CASES  SHOW IN COL. 1 (STATE SHARE IS 5/6 OF TOTAL, SHOW IN COL. 4)	\$			\$
C) LESS: TOTAL OF NON-COUNTY NON-FEDERAL CASES  SHOW IN COL. 1 & 4	\$			\$
D) TOTAL OF FEDERAL CASES (ITEM A MINUS ITEMS B & C, COL. 1)	\$			
E) LESS: TOTAL AND EXCESS OF NON-COUNTY CASES SHOW IN COLS. 1 & 2 (FEDERAL SHARE IS TOTAL LESS EXCESS DIVIDED BY 2, SHOW IN COL. 3. STATE SHARE IS TOTAL LESS FEDERAL, SHOW IN COL. 4)	\$	\$	\$	\$
F) TOTAL AND EXCESS OF REGULAR CASES  ITEM D MINUS ITEM E, COL. 1 ITEM A MINUS ITEM E, COL. 2 (FEDERAL SHARE IS TOTAL LESS EXCESS DIVIDED BY 2, SHOW IN COL. 3. TOTAL (COL. 1F) LESS FEDERAL (COL. 3) 5/6 OF RESULT EQUALS STATE SHARE, SHOW IN COL. 4-F)	\$	\$	\$	\$
G) GRAND TOTALS	\$	\$	\$	\$
	SAME AS ITEM A. (AMOUNT CARRIED FORWARD TO ITEM 1 ON AFFIDAVIT, FORM AG 800)	SAME AS ITEM A. (AMOUNT CARRIED FORWARD TO ITEM 3 ON AFFIDAVIT, FORM AG 800)	ITEM E PLUS ITEM F. THIS TOTAL IS THE SAME AS TOTAL OF ITEM D, COL. 1, LESS EXCESS, ITEM A, COLUMN 2, DIVIDED BY TWO. (AMOUNT CARRIED FORWARD TO ITEM 6 ON AFFIDAVIT, FORM AG 800)	ITEM B PLUS ITEMS C, E, AND F. (AMOUNT CARRIED FORWARD TO ITEM 13 ON AFFIDAVIT, FORM AG 800)







FROM \_\_\_\_\_ COUNTY  
STATE AID FOR  
CARE OF NEEDY AGED PERSONS IN COUNTY HOSPITAL  
(AS PROVIDED UNDER SECTION 2160.7 OF THE WELFARE AND INSTITUTIONS CODE)

FOR THE MONTH OF \_\_\_\_\_, 19\_\_\_\_ FISCAL YEAR  
(DO NOT WRITE IN THIS SPACE)

		Corrected Amounts (State use only)
1. Total aid to which _____ aged \$ _____ persons would be eligible under the Old Age Security Law if not confined in County Hospital. (Total of Columns 3A and 4A, Form Ag 801-H)		\$ _____
2. Basis for State share - Regular cases (Total Column 3B, Form Ag 801-H)	\$ _____	\$ _____
3. State share regular cases (5/6 of Item 2)	\$ _____	\$ _____
4. State share non-county cases (Col. 4B, Form Ag 801-H)	\$ _____	
5. Amount due from State Funds (Item 3 plus Item 4)	\$ _____	\$ _____
6. Less: State share of Adjustments (Total Col. 8, Form Ag 803)	\$ _____	\$ _____
7. TOTAL AMOUNT DUE FROM STATE FUNDS (Item 5 less Item 6)	\$ _____	\$ _____
AMOUNTS FOR REPORTING PURPOSES ONLY		APPROVAL STAMP
8. Total basis for adjustment shown \$ _____ in Item 6. (Total Col. 5, Form Ag 803)	CORRECTED AMOUNTS (STATE USE ONLY) \$ _____	

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_ } ss.

\_\_\_\_\_, BEING DULY SWORN, DEPOSES AND SAYS: THAT HE IS THE  
CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE AFORESAID COUNTY, AND THAT THE AUTHORITIES OF THIS COUNTY HAVE COM-  
PLIED WITH ALL PROVISIONS OF CHAPTER I OF DIVISION III OF THE WELFARE AND INSTITUTIONS CODE, AND AMENDMENTS  
THEREO, UNDER WHICH THIS CLAIM IS FILED, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
CHAIRMAN, BOARD OF SUPERVISORS

TITLE \_\_\_\_\_

I HEREBY CERTIFY THAT THE RECORDS OF THIS COUNTY INDICATE THAT THE AMOUNTS CLAIMED ARE DUE AND OWING THE  
COUNTY FROM THE STATE OF CALIFORNIA UNDER SECTION 2160.7 OF THE WELFARE AND INSTITUTIONS CODE.

\_\_\_\_\_  
SIGNATURE OF COUNTY AUDITOR





Robert W. Kenny  
Attorney General

Inst. Public  
Inmates  
2160

San Francisco, January 22, 1943

Honorable Leslie A. Cleary  
District Attorney of Stanislaus County  
Modesto, California.

Dear Sir:

This is in reply to your letter requesting our opinion as to the length of time an inmate of a public hospital may continue to receive old age security.

Section 2160(e) of the Welfare and Institutions Code provides in part as follows:

"Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

"(e) Who is not, at the time of receiving such aid, an inmate of any \* \* \* public institution \* \* \* except in the case of temporary medical or surgical care in a public hospital not exceeding 60 days in duration."

It is our opinion that under the section old age security shall be denied generally to inmates of public institutions. However, an exception is made in the case of inmates of public hospitals otherwise eligible for aid. The section requires that "in the case of temporary medical or surgical care in a public hospital not exceeding 60 days in duration" old age security shall be paid.

It is our opinion that under the section old age security should be paid to an inmate of a public hospital if the confinement is one of temporary medical or surgical care. Temporary medical and surgical care is defined as care in a public hospital for not exceeding 60 days in duration. Therefore, if the recipient has not been confined for more than 60 days prior to the date of a payment, his care should be deemed one of temporary medical or surgical care and aid should be paid. If the 60 day period has expired the inmate should no longer be considered a temporary medical and surgical case and aid should be discontinued.

Any statements contained in opinion NS929 in conflict with the views herein expressed should be disregarded.

Very truly yours,

ROBERT W. KENNY, Attorney General

By T. A. WESTPHAL JR  
Deputy

TAW:W  
RWK  
CAL

1-NS4700



MAIN OFFICE  
SACRAMENTO  
616 K STREET

LOS ANGELES OFFICE  
WASHINGTON BLDG.  
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE  
DAVID HEWES BLDG.  
995 MARKET STREET

EARL WARREN  
GOVERNOR

STATE OF CALIFORNIA  
DEPARTMENT OF SOCIAL WELFARE  
MISS MARTHA A. CHICKERING

Sacramento  
June 4, 1943

SOCIAL WELFARE BOARD  
ARCHIBALD B. YOUNG, CHAIRMAN  
808 S. SAN RAFAEL AVENUE  
PASADENA

MRS. MARY E. BARKWILL  
ROUTE 1, BOX 55  
LINDSAY

MRS. T. G. EMMONS  
POST OFFICE BOX 12  
SALINAS

WILFORD H. HOWARD  
1815 REDWOOD HIGHWAY SOUTH  
SANTA ROSA

BEN KOENIG  
1680 N. VINE ST.  
LOS ANGELES

JOHN C. CUNEO  
922 J. STREET  
MODESTO

HEBER JAMES BROWN  
1419 BROADWAY  
OAKLAND

1299

MANUAL LETTER NO. 38

Manual Letter No. 37 stated that Revision 25 for the Personal Property Chapter was enclosed. This revision will be issued at a later date.

Revision 1 to the Glossary should be Revision 9. Revisions 1 through 8 were included in the chapter when it was reissued in August, 1942. The next revision you will receive will be Revision 10.

MAIN OFFICE  
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616 K STREET

LOS ANGELES OFFICE  
WASHINGTON BUILDING  
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE  
DAVID HEWES BUILDING  
995 MARKET STREET

Earl Warren  
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING  
DIRECTOR  
1943 JUN 16 PM 3 05  
Sacramento  
June 16, 1943

SOCIAL WELFARE BOARD  
ARCHIBALD B. YOUNG, CHAIRMAN  
808 S. SAN RAFAEL AVENUE  
PASADENA  
MRS. MARY E. BARKWILL  
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WILFORD H. HOWARD  
1815 REDWOOD HIGHWAY SOUTH  
SANTA ROSA  
BEN KOENIG  
1680 NORTH VINE STREET  
LOS ANGELES

Hon. Frank M. Jordan  
Secretary of State  
Room 109, State Capitol  
Sacramento, California

IN REPLY PLEASE REFER  
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very Sincerely yours,

*Martha A. Chickering*  
MARTHA A. CHICKERING, Director  
Department of Social Welfare

1943 JUN 16 PM 3 05

52:286  
Encls.

FILED  
In the office of the Secretary of State  
of the State of California  
JUN 16 1943  
FRANK M. JORDAN, Secretary of State  
By *Chris J. [Signature]* Deputy

FOR VICTORY





MAIN OFFICE  
SACRAMENTO  
616 K STREET

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SAN FRANCISCO OFFICE  
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995 MARKET STREET

EARL WARREN  
GOVERNOR

STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING  
DIRECTOR

Sacramento  
June 9, 1943

SOCIAL WELFARE BOARD  
ARCHIBALD B. YOUNG, CHAIRMAN  
808 S. SAN RAFAEL AVENUE  
PASADENA

MRS. MARY E. BARKWILL  
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1419 BROADWAY  
OAKLAND

1297

MANUAL LETTER NO. 39

You receive herewith Continuing Services Chapter, Revisions 2 and 3, and a reprint of Revision 1. This material is to be entered in your copy of the Manual of Policies and Procedures and the revision numbers cancelled on the separator for that chapter. These revisions were adopted by the SSWB on May 28, 1943.

Your attention is directed particularly to the following:

SEC. 362-40, Item D2, is changed to conform with recent Attorney General's Opinion NS #4700, and the new law which becomes effective July 1, 1943.

Item D19 is changed due to the revised requirements for Federal Social Security Board reports. These instructions are effective for discontinuances to which they apply if board of supervisors action discontinuing the case occurs on or after July 1, 1943.

STATEMENTS CONTAINED IN THE MANUAL TAKE PRECEDENCE  
OVER SAME MATERIAL PREVIOUSLY RELEASED IN BULLETINS.

## Items D4 to D13. Excess Income.

Only one of these items should be checked if aid is discontinued because of excess income. Check the source or type of income, receipt of which made the recipient ineligible. If such income was received from more than one source, check the source first discovered by the county and note other sources at bottom of Section II; if several sources were discovered simultaneously, check the source from which the larger amount was received and note other sources at the bottom of Section II.

- Item D4. Check if aid was discontinued because of payment of monthly OASI to the recipient as a retired worker or as the wife (not widow) of an insured worker.
- Item D5. Check if aid was discontinued because of the payment of monthly OASI to the recipient as survivor (widow or parent, or in ANB or APSB orphan) of an insured worker.
- Item D6. Check if aid was discontinued because of UCB paid to the recipient.
- Item D7. Check if aid was discontinued because of earnings by the recipient.
- Item D8. Check if aid was discontinued because of receipt of support from the earnings of the husband or wife.
- Item D9. Check if aid was discontinued because of receipt of support from resources of the husband or wife other than earnings; e.g., rental of property, employee's pension, etc.
- Item D10. Check if aid was discontinued because of receipt of contributions from adult children or in ANB and APSB from adult children or parents.
- Item D11. Check if aid was discontinued because of receipt of contributions from relatives other than the spouse or adult children or, in ANB and APSB, from relatives other than spouse, adult children, or parents.
- Item D12. Check if aid was discontinued because of receipt of income from real or personal property. Write a brief description of the nature of this income; e.g., interest on bank account, rent from dwelling, interest on loan, etc. If necessary, additional space may be used at the bottom of Section II.



**Sec. 362-40 Discontinuance of Payment, Section II of Notice of Change** W&IC Sec. 2140; 2141; 362-40  
OAS; ANB; APSB 3075; 3460

- Item A. Enter the effective date of discontinuance of aid to the recipient or, in OAS, of payment to the county for hospital care, due to reasons other than release from the county hospital.
- Item B. Enter the date on which the facts causing discontinuance of aid to the recipient or, in OAS, of payment to the county for hospital care came to the attention of the county.
- Item C. Enter the date on which the county investigation preceding the one resulting in discontinuance of aid to the recipient or, in OAS, of payment to the county for hospital care was completed.
- Item D. Reason for Discontinuance. Only the principal reason for discontinuing aid should be checked. If there is more than one reason for discontinuance, check the reason which first came to the attention of the county and note the additional reasons at the bottom of Section II. For example, if the recipient dies and it is subsequently discovered that he had been ineligible because of excess property, Item D1 should be checked and a notation regarding the excess property made at the bottom of Section II.
- Item D1. Check if aid was discontinued because of the death of the recipient. Write in the date of death, e.g., 2-16-42.
- Item D2. Check if aid was discontinued because the recipient was admitted to a public institution. This item should be used when aid is discontinued because of confinement for medical or surgical care in a public hospital for a period exceeding the maximum allowed for temporary care under the law governing the particular category of aid. (See Secs. 164-10, and 164-20, Eligibility for Medical Care.) Enter the date of admission and name of the institution.

In OAS, indicate at the bottom of Section II the results of the determination of the probable period of hospitalization, i.e., "probably temporary" or "probably for more than two calendar months."

In OAS do not check Item D2 for discontinuance of payment to the county for hospital care. Such discontinuance, if made because of release from the county hospital, should be reported under Section I; if made for some other reason, at the bottom of Section II. Note that *payment to the county for hospital care* is being discontinued and state reason for discontinuance. Complete Item E if ineligibility was due to income or property.

- Item D3. Check this item if aid was discontinued because subsequent information indicated that the recipient was not eligible for the original grant. Indicate at the bottom of Section II the specific grounds for ineligibility, e.g., age, property, residence, etc. Explain briefly how and when ineligibility was discovered. In ANB or APSB do not check this item when the question of original eligibility relates to degree of blindness unless there is conclusive evidence that the recipient was not blind at the time aid was granted. When evidence is not conclusive, report under Item D19.

- Item E. If aid to the recipient or, in OAS, payment to the county for hospital care was discontinued for any of the reasons listed under Items D4 through D15, complete the applicable sub-items following (whether checked as a principal reason or noted as a secondary reason):
1. If aid to the recipient in OAS or ANB or, in OAS, payment to the county for hospital care was discontinued because of excess income (Items D4-D13), indicate the total amount of the recipient's monthly income other than OAS or ANB on the basis of which the discontinuance was made; e.g., OAS was discontinued effective 12/31/41 because the recipient (for whom no excess need had been established) had income of \$42 during December. Report the amount of \$42.  
If aid to a recipient of APSB was discontinued because of excess income (Items D4-D13), indicate total amount of recipient's annual income other than APSB on basis of which discontinuance was made; e.g., APSB was discontinued effective 11/30/41 because recipient had earned \$450 since beginning of annual income period on 3/1/41. Report amount of \$450.
  2. If aid to the recipient or, in OAS, payment to the county for hospital care was discontinued because of excess property (Item D14) or transfer of property (Item D15), indicate whether such property was real or personal, or both.
  3. In OAS, if aid to the recipient or payment to the county for hospital care was discontinued because of excess property (Item D14) or transfer of property (Item D15), indicate the assessed valuation if real property, the market value if personal property. In ANB if aid was discontinued because of excess property (Item D14) or transfer of property (Item D15), indicate the assessed valuation of the property whether such property was real, personal, or both.
  4. If aid to the recipient in OAS, ANB or APSB or, in OAS, payment to the county for hospital care was discontinued because of excess income, indicate the date when such income was first received in excess amount. If aid was discontinued because of excess property, indicate the date on which property holdings became excessive.
  5. If aid to the recipient or in OAS payment to the county for hospital care was discontinued because of improper transfer of property, indicate the date on which the transfer was made.
- Item F. In cases where ineligibility existed for a period prior to discontinuance of aid, complete details should be provided regarding the possibilities of securing restitution of the excess aid paid. Include details regarding any action taken or contemplated by the county for obtaining repayment.

362-50 **Sec. 362-50 Approval by the Board of Supervisors, Section III, Notice of Change** W&IC Sec. 2140;2141;  
OAS; ANB; APSB 3075;3460

Enter name of county and date of approval by the county board of supervisors. The Notice of Change (Form Ag, B1 232) shall bear either the original or facsimile signature of the county clerk or deputy. A facsimile signature shall be affixed either by or under the special authority of the county officer whose signature is thus affixed.



- Item D13. Check if aid was discontinued because of the receipt of income from some source other than those listed under Items D4-D12. Write a brief description of such income. If necessary, additional space may be used at the bottom of Section II.
- Item D14. Check if aid was discontinued because the recipient came into possession of real or personal property, or both, in excess of that permitted under the OAS, ANB, or APSB Law. Complete applicable items under Item E.
- Item D15. Check if aid was discontinued because of improper transfer of real or personal property. Complete all applicable items under Item E.
- Item D16. Check if aid was discontinued because the recipient was granted ANB or APSB.
- Item D17. Check if aid was discontinued because the recipient has moved to another county and has been a resident of the second county for a period of one year as permitted under the transfer provisions of the law. Discontinuances because of loss of county residence without transfer being effected (including non-county cases) should be reported by checking Item D19 in OAS or Item D20 in ANB and APSB.
- Item D18. Check if aid was discontinued because the recipient has moved out of the State and has established residence elsewhere.
- Item D19. In ANB and APSB, check if aid was discontinued because recipient is not blind within the prescribed degree. When conclusive evidence establishes that recipient was not originally eligible as to degree of blindness, enter under Item D3.
- Item D19. OAS and Item D20 ANB and APSB. Check if aid was discontinued for some reason other than those listed under Items D1 through D18 or D19, respectively. Describe the reasons or circumstances for this discontinuance in the space at the bottom of Section II.
- Particular care should be taken to give sufficient information (at the bottom of Section II) to identify closings which occur for the following reasons:
1. Change in policy (specify).
  2. Receipt of allotments and allowances to dependents of men in the armed forces.
  3. Refusal after acceptance to comply with established regulations.
  4. (In ANB and APSB) Transferred to OAS.

FORM CA 232

W&amp;IC Sec. 1560; 2140; 2141; 3075; 3460

FORM CA-232 (revised)—April, 1943  
STATE OF CALIFORNIA  
DEPARTMENT OF SOCIAL WELFARE**NOTICE OF CHANGE  
AID TO NEEDY CHILDREN**County \_\_\_\_\_ County No. \_\_\_\_\_ State No. \_\_\_\_\_  
Date \_\_\_\_\_  
Family Name \_\_\_\_\_  
Payee from Date of Change \_\_\_\_\_

## SEC. I.

1 NAMES OF CHILDREN	2 Effective Date of Change	3 NATURE OF CHANGE Increase, Decrease, Restoration, Change of Payee, or Discontinuance	4 TOTAL AMOUNT CHILDREN'S AID PER MONTH GRANTED FROM DATE OF CHANGE	5 ELIGIBLE FEDERAL PARTICIPATION	
				Yes	No
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Reason for Change: (Except Discontinuance) In reporting decrease—Give source of income

## SEC. II.

## COMPLETE THIS SECTION FOR DISCONTINUANCE ONLY

- A. Date ineligibility occurred \_\_\_\_\_ B. Date of discovery \_\_\_\_\_ C. Date ineligibility verified \_\_\_\_\_
- D. Classification: ☐ WO ☐ HO ☐ WFU ☐ ILLEG. ☐ PCI ☐ CIF ☐ TBF ☐ ABD. ☐ FDLG.
- E. Reason for discontinuance:
- I. NOW RECEIVING ADEQUATE CARE DUE TO:
- ☐ A. Employment or increased earnings of child receiving ANC
- ☐ B. Employment or increased earnings of father
- ☐ C. Employment or increased earnings of mother
- ☐ D. Employment or increased earnings of minor children in family budget unit who are not receiving ANC
- ☐ E. Support by stepfather
- ☐ F. Marriage of child (support by spouse)
- ☐ G. Contributions from other persons
- ☐ H. Receipt of allotments and allowances to dependents of men in the armed forces
- ☐ I. Income from other sources (specify below)
- ☐ 2. Excess assets acquired subsequent to approval
- ☐ 3. Child reached 18th birthday
- ☐ 4. Child admitted to institution
- Name of Institution \_\_\_\_\_
- ☐ 5. Child joined armed forces
- ☐ 6. Subsequent information disproves eligibility previously established (explain below)
- ☐ 7. Change in policy (specify below)
- ☐ 8. Parent discharged from institution
- ☐ 9. Father no longer incapacitated for gainful work
- ☐ 10. Whereabouts of absent parent known
- ☐ 11. Transferred to \_\_\_\_\_ county
- ☐ 12. Moved out of State—loss of State residence
- ☐ 13. Other (specify below)
- F. Should repayment of aid be due, state reason, and possibility of or plan for its collection.

## SEC. III.

## Complete This Section for Change of School Status Children, 16-18, Otherwise Eligible for Federal Participation

NAME OF CHILD

DATE OF ENROLLMENT—OR—DATE OF TERMINATION

DATE OF VERIFICATION

[SIGNED] \_\_\_\_\_

SIGNATURE OF COUNTY PUBLIC ASSISTANCE WORKER

## SEC. IV. A. Child is in home eligible for Federal participation

I herewith make application for Aid to Needy Children for the above named children who will be maintained by me in my home.

[SIGNED] \_\_\_\_\_

SIGNATURE OF PAYEE AND RELATIONSHIP

ADDRESS WHERE CHILDREN WILL BE MAINTAINED

## B. Child is in home ineligible for Federal participation

I HEREBY CERTIFY That the signature of the new payee is contained in the county files.

[SIGNED] \_\_\_\_\_

SIGNATURE OF COUNTY OFFICIAL OR OTHER PERSON RESPONSIBLE FOR PLACEMENT OF CHILDREN

SEC. V. Approved by the Board of Supervisors of the County of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

RESERVE FOR STATE

[SIGNED] \_\_\_\_\_

COUNTY CLERK OR DEPUTY

SIGNATURE OF REVIEWER

COUNTY: To be used for ONE case only

Submit two copies to State Department of Social Welfare for Discontinuances, Restorations, and Changes of Payee  
One copy for other changes

SUBMIT ONE COPY OF ALL CHANGES TO COUNTY AUDITOR

23403 5-43 50M  
STATE PRINTING OFFICE



FORM AG 232 (revised)—December, 1941  
(Formerly Ag 10)STATE OF CALIFORNIA  
DEPARTMENT OF SOCIAL WELFARE

## NOTICE OF CHANGE

DIVISION FOR THE AGED

## Notice of Change

County \_\_\_\_\_  
Date \_\_\_\_\_  
Name \_\_\_\_\_  
State No. \_\_\_\_\_  
County No. \_\_\_\_\_

Change	Effective Date of Change	Total Amount Aged Aid Per Month Granted From Date of Change*	INCOME OTHER THAN AGED AID		Actual Amount of Verified Need (To be used only when need is in excess of \$40)	Nature and Amount of Each Excess Need and How Verified (ANB 503)
			Total Income Other Than Aged Aid	Sources and Amounts of Income		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
DECREASE						
INCREASE						
RESTORATION						
PAYMENT TO COUNTY FOR HOSPITAL CARE						
RELEASE FROM COUNTY HOSPITAL						
CHANGE IN NEED OR INCOME—NO CHANGE IN GRANT						
						TOTAL

\* For payment to county for hospital care, report total amount to which eligible if not confined.

Reason for Change: State Definite Reason for Change. (Give date of release from institution if restored for this reason.)

USE THIS SECTION FOR DISCONTINUANCES ONLY  
Complete all applicable items:

- A. Effective date of discontinuance \_\_\_\_\_
- B. Date of discovery of facts causing discontinuance \_\_\_\_\_
- C. Date of last previous county investigation \_\_\_\_\_
- D. Reason for Discontinuance (Check principal reason only)
- ☐ 1. Death. Date \_\_\_\_\_
- ☐ 2. Admitted to public institution. Date \_\_\_\_\_  
Institution \_\_\_\_\_
- ☐ 3. Subsequent information disproves eligibility originally established (explain below)
- Excess Income (check source and complete Item E)
- ☐ 4. Old age retirement benefits
- ☐ 5. Survivors' benefits
- ☐ 6. Unemployment compensation
- ☐ 7. Earnings
- ☐ 8. Contribution from earnings of spouse
- ☐ 9. Contribution from other resources of spouse
- ☐ 10. Contribution from adult children
- ☐ 11. Contribution from other relatives
- ☐ 12. Income from property. Specify \_\_\_\_\_
- ☐ 13. Income from other sources. Specify \_\_\_\_\_
- ☐ 14. Excess property } (Also complete Item E)
- ☐ 15. Transfer of property }
- ☐ 16. Accepted for Aid to Needy Blind
- ☐ 17. Transferred to \_\_\_\_\_ County
- ☐ 18. Loss of State residence. Moved out of State.
- ☐ 19. Other reason (explain fully below)
- E. Additional detail on discontinuances due to income or property. (Do not omit)
1. Total amount of income \$ \_\_\_\_\_
2. Type of property \_\_\_\_\_
3. Value of property \$ \_\_\_\_\_
4. Date first received or acquired \_\_\_\_\_
5. Date property transferred \_\_\_\_\_
- F. Should a refund be due, state possibility of or plans for its collection below.

Approved by the Board of Supervisors of the County of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

RESERVE FOR STATE

[SIGNED]

Signature of Reviewer

Date

19 \_\_\_\_\_

County Clerk or Deputy

COUNTY: To be used for ONE case only

Submit two copies to State Department of Social Welfare for discontinuances, restorations, payment to county for hospital care and release from county hospital; one copy for other changes.

SUBMIT ONE COPY OF ALL CHANGES TO COUNTY AUDITOR

FORM AG 232

FORM BL 232 (revised)—December, 1941  
(Formerly Bl 11)STATE OF CALIFORNIA  
DEPARTMENT OF SOCIAL WELFARE

## NOTICE OF CHANGE

DIVISION FOR THE BLIND

## Notice of Change

Aid granted under (Check one)

☐ Aid to Needy Blind☐ Aid to Partially Self-supporting Blind ResidentsCounty \_\_\_\_\_  
Date \_\_\_\_\_  
Name \_\_\_\_\_  
State No. \_\_\_\_\_  
County No. \_\_\_\_\_

Change	Effective Date of Change	Total Amount Blind Aid Per Month Granted From Date of Change	INCOME OTHER THAN BLIND AID		Actual Amount of Verified Need (To be used only for ANB when need is in excess of \$40)	Nature and Amount of Each Excess Need and How Verified (ANB 503)
			Total Income Other Than Blind Aid	Sources and Amounts of Income		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
DECREASE						
INCREASE						
RESTORATION						
CHANGE IN NEED OR INCOME—NO CHANGE IN GRANT						
						TOTAL

Reason for Change: State definite reason for change. (Give date of release from institution if restored for this reason.)

USE THIS SECTION FOR DISCONTINUANCES ONLY  
Complete All Applicable Items

- A. Effective date of discontinuance \_\_\_\_\_
- B. Date of discovery of facts causing discontinuance \_\_\_\_\_
- C. Date of last previous county investigation \_\_\_\_\_
- D. Reason for discontinuance (Check principal reason only)
- ☐ 1. Death. Date \_\_\_\_\_
- ☐ 2. Admitted to public institution. Date \_\_\_\_\_  
Institution \_\_\_\_\_
- ☐ 3. Subsequent information disproves eligibility originally established (Explain below)
- Excess income (Check source and complete Item E)
- ☐ 4. Old age retirement benefits
- ☐ 5. Survivors' benefits
- ☐ 6. Unemployment compensation
- ☐ 7. Earnings
- ☐ 8. Contribution from earnings of spouse
- ☐ 9. Contribution from other resources of spouse
- ☐ 10. Contribution from other responsible relatives
- ☐ 11. Contribution from other relatives
- ☐ 12. Income from property. Specify \_\_\_\_\_
- ☐ 13. Income from other sources. Specify \_\_\_\_\_
- ☐ 14. Excess property } (Also complete Item E)
- ☐ 15. Transfer of property }
- ☐ 16. Accepted for APSB or ANB
- ☐ 17. Transferred to \_\_\_\_\_ County
- ☐ 18. Loss of State residence. Moved out of State
- ☐ 19. Present vision exceeds standard for blindness
- ☐ 20. Other reason (Explain fully below)
- E. Additional detail on discontinuances due to income or property. (Do not omit)
1. Total amount of income \$ \_\_\_\_\_
2. Type of property \_\_\_\_\_
3. Value of property \$ \_\_\_\_\_
4. Date first received or acquired \_\_\_\_\_
5. Date property transferred \_\_\_\_\_
- F. Should a refund be due, state possibility of or plans for its collection below.

Approved by the Board of Supervisors of the County of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

RESERVE FOR STATE

[SIGNED]

Signature of Reviewer

Date

19 \_\_\_\_\_

County Clerk or Deputy

COUNTY: To be used for ONE case only

Submit two copies to State Department of Social Welfare for Discontinuances and Restorations  
One copy for other changes

SUBMIT ONE COPY OF ALL CHANGES TO COUNTY AUDITOR

FORM BL 232

365-99

Sec. 365-99 Forms Used in Changes of Aid

365-99

CONTINUING SERVICES

Public Assistance Program

State No. \_\_\_\_\_

County No. \_\_\_\_\_

Former State No. if a transfer or re-  
application \_\_\_\_\_

APPLICATION FOR OLD AGE SECURITY

STATE OF CALIFORNIA

County of \_\_\_\_\_

To the Honorable Board of Supervisors:

I, \_\_\_\_\_, residing at \_\_\_\_\_  
PRINT OR TYPE NAME IN FULL STREET NUMBER OR R.F.D.

City \_\_\_\_\_, County of \_\_\_\_\_, California  
herewith apply for Old Age Security under provision of Chapter I, Division III, Wel-  
fare and Institutions Code.

I am eligible for Old Age Security, to wit:

1. I have attained the age of 65 years, being \_\_\_\_\_ years old
2. I am a citizen of the United States. Birth place \_\_\_\_\_
3. I have resided in the State of California for at least one year immediately preceding the date of this application, and for at least 5 years within the 9 years immediately preceding this application.
4. I have resided in the County of \_\_\_\_\_ since \_\_\_\_\_ 19 \_\_\_\_\_
5. I have not made any assignment of property in order to qualify for Old Age Security.
6. a. I do not own real property with an assessed value less all encumbrances thereon of record, in excess of three thousand dollars (\$3,000.00);  
b. The combined real property of my spouse and myself does not have an assessed value less all encumbrances thereon of record in excess of three thousand dollars (\$3,000.00).
7. I do not have personal property the value of which, less all encumbrances thereon of record is in excess of six hundred dollars (\$600.00).
8. I am in need and unable to support myself.
9. I am not receiving adequate support from my spouse or children.
10. My spouse's name is \_\_\_\_\_  
Address \_\_\_\_\_
11. I have \_\_\_\_\_ living children.
12. I agree to assist, to the best of my ability, in disclosing my financial condition and that of my spouse and to give all information necessary to establish eligibility for aid under this chapter.
13. I live in a home which I own in whole or in part \_\_\_\_\_  
Yes No

STATE OF CALIFORNIA

County of \_\_\_\_\_ } ss

I solemnly swear or affirm that the statements made herein are true and correct to the best of my knowledge and belief and that I will notify the county authorities promptly of any change in my condition or financial affairs.

Note.-- When the applicant can not sign his name, the signatures of two witnesses to his mark must appear.

\_\_\_\_\_  
SIGNATURE OR MARK OF APPLICANT  
(NAME TO BE GIVEN AS ABOVE)

\_\_\_\_\_  
WITNESS TO MARK

\_\_\_\_\_  
WITNESS TO MARK

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OR COUNTY CLERK OR PERSON QUALIFIED TO ACKNOWLEDGE AN AFFIDAVIT



STATEMENT OF RESPONSIBLE RELATIVE OF APPLICANT UNDER OAS LAW  
(STATUTES OF 1943)

RETURN COMPLETED BLANK TO \_\_\_\_\_  
COUNTY WELFARE DEPARTMENT ADDRESS

THE ELIGIBILITY OF \_\_\_\_\_ FOR AID UNDER THE OAS LAW IS UNDER CONSIDERATION.  
NAME OF APPLICANT  
I DO HEREBY MAKE THE FOLLOWING STATEMENTS CONCERNING MY INCOME, DEPENDENTS AND CONTRIBUTIONS TO THE ABOVE NAMED APPLICANT.

1. I AM NOW CONTRIBUTING \$ \_\_\_\_\_, FREE RENT \_\_\_\_\_, FREE BOARD \_\_\_\_\_  
AMOUNT OF YES OR NO YES OR NO  
OTHER CONTRIBUTION TO THE RECIPIENT (EXPLAIN) \_\_\_\_\_

2. I WILL FROM THIS DATE CONTRIBUTE \$ \_\_\_\_\_, FREE RENT \_\_\_\_\_, FREE BOARD \_\_\_\_\_  
AMOUNT AND FOR WHAT YES OR NO YES OR NO  
OTHER CONTRIBUTIONS (EXPLAIN) \_\_\_\_\_

3. (A) MY GROSS MONTHLY INCOME IS AS FOLLOWS:  
(IF YOU ARE A MARRIED DAUGHTER FOLLOW INSTRUCTIONS AT BOTTOM OF PAGE)  
AMOUNT AND FOR WHAT

INCOME FROM EARNINGS \$ \_\_\_\_\_ NAME AND ADDRESS OF EMPLOYER \_\_\_\_\_  
INCOME FROM OTHER SOURCES (ITEMIZE)  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_ TOTAL GROSS MONTHLY INCOME . . . . . \$ \_\_\_\_\_

(B) MY NET INCOME, AFTER DEDUCTING FROM MY GROSS INCOME THE EXPENSES INCIDENT TO ITS RECEIPT, IS) \$ \_\_\_\_\_

(C) IF THE EXPENSES WHICH WERE DEDUCTED WHEN DETERMINING THE AMOUNT OF NET INCOME EXCEED 10% OF THE GROSS INCOME, COMPLETE THE FOLLOWING:

EXPENSES INCIDENT TO THE RECEIPT OF MY GROSS INCOME ARE:

TYPE OF EXPENSE	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL . . . . .	\$ _____

4. THERE ARE \_\_\_\_\_ PERSONS DEPENDENT UPON MY INCOME INCLUDING MYSELF BUT NOT INCLUDING THE APPLICANT.  
NUMBER OF

REMARKS: (SEE THE SECTION OF THE LAW CONCERNING RESPONSIBLE RELATIVES, AND THE RESPONSIBLE RELATIVES' SCALE ON REVERSE OF THIS PAGE. IF THE CONTRIBUTION WHICH YOU WILL MAKE FROM THIS DATE FORWARD IS LESS THAN THE AMOUNT FIXED BY THE RESPONSIBLE RELATIVES' CONTRIBUTION SCALE, STATE REASONS WHY IN YOUR OPINION YOU CANNOT CONTRIBUTE IN THAT AMOUNT.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME OF AFFIANT

SUBSCRIBED AND SWORN TO THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_ 19 \_\_\_\_\_

TITLE

\*\*\*\*\*

NET INCOME DEFINED: THE GROSS AMOUNT OF AN EMPLOYED PERSON'S SALARY ORDINARILY REPRESENTS HIS NET MONTHLY INCOME FROM THAT SOURCE. ONLY THOSE EXPENSES WHICH ARE ATTRIBUTABLE TO THE PROCUREMENT AND RETENTION OF THE INCOME ITSELF SHOULD BE DEDUCTED (I.E., REQUIRED UNION DUES, TRANSPORTATION EXPENSES, ETC.)

NET INCOME FROM A FARM OR BUSINESS IS DETERMINED BY DEDUCTING NORMAL OPERATING EXPENSES AND OVERHEAD FOR THE BUSINESS FROM THE GROSS INCOME.

IN NO CASE SHOULD ANY LIVING EXPENSES FOR YOURSELF OR YOUR DEPENDENTS BE DEDUCTED IN DETERMINING YOUR NET INCOME.

NET INCOME OF A MARRIED SON SHOULD INCLUDE EARNINGS AND INCOME OF HIS SPOUSE UNLESS SUCH INCOME HAS BEEN DETERMINED IN ACCORD WITH CALIFORNIA LAW TO BE HER SEPARATE PROPERTY.

MARRIED DAUGHTER: IF YOU ARE A MARRIED DAUGHTER AND ARE NOT SEPARATED FROM YOUR SPOUSE REPORT ONLY THE AMOUNT OF YOUR SEPARATE INCOME, IF ANY. IF YOU HAVE NO SEPARATE INCOME, COMPLETE ITEMS 1 AND 2 ABOVE. INDICATE "NONE" IN ANSWER TO QUESTION 3. THE REMAINDER OF THE AFFIDAVIT MAY BE DISREGARDED. THE AFFIDAVIT MUST BE SIGNED AND NOTARIZED.

SECTION 2181. "THE BOARD OF SUPERVISORS, DIRECTOR OR THROUGH AN AUTHORIZED INVESTIGATOR, SHALL UPON RECEIPT OF AN APPLICATION FOR AID, PROMPTLY, WITHOUT ANY UNNECESSARY DELAY, AND WITH ALL DILIGENCE, MAKE THE NECESSARY INVESTIGATION. SUCH INVESTIGATION SHALL BE COMPLETED WITHIN 60 DAYS AFTER RECEIPT OF THE APPLICATION.

"THE BOARD SHALL UPON RECEIPT OF THE REPORT OF THE INVESTIGATION DETERMINE THE ABILITY OF RESPONSIBLE RELATIVES TO CONTRIBUTE TO THE SUPPORT OF APPLICANT AND DESIGNATE THE AMOUNT OF AID, IF ANY, TO BE GRANTED. THE MAXIMUM DEGREE OF LIABILITY OF THE RESPONSIBLE RELATIVE SHALL BE DETERMINED BY 'RELATIVES CONTRIBUTION SCALE.' IN DETERMINING ABILITY TO CONTRIBUTE, THE FINANCIAL CIRCUMSTANCES OF RESPONSIBLE RELATIVES SHALL BE GIVEN DUE CONSIDERATION AND, IN UNUSUAL CASES, CONTRIBUTIONS AT LESS THAN THE AMOUNT FIXED BY 'RELATIVES' CONTRIBUTION SCALE' MAY BE MADE AS THE BOARD OF SUPERVISORS MAY DEEM JUSTIFIABLE. A MARRIED DAUGHTER OF THE APPLICANT SHALL NOT BE REQUIRED TO MAKE CONTRIBUTIONS UNLESS SHE HAS INCOME CONSTITUTING HER SEPARATE PROPERTY."

SECTION 2224. "THE BOARD OF SUPERVISORS SHALL DETERMINE IF THE APPLICANT OR RECIPIENT OF AID HAS WITHIN THE STATE A SPOUSE OR ADULT CHILD PECUNIARILY ABLE TO CONTRIBUTE TO THE SUPPORT OF THE APPLICANT OR RECIPIENT OF AID. A BRIEF FORM SHALL BE SENT TO THE RELATIVE INQUIRING WHETHER THE RELATIVE IS IN FACT CONTRIBUTING AND WILL CONTINUE TO CONTRIBUTE TO THE SUPPORT OF THE APPLICANT PURSUANT TO THE PROVISIONS OF SECTION 218]. THIS FORM SHALL BE COMPLETED BY THE RELATIVE AS A SWORN STATEMENT.

"UPON THE REQUEST OF THE BOARD OF SUPERVISORS, THE SPOUSE OR ADULT CHILD SHALL FILE SUCH SWORN STATEMENT WITHIN 10 DAYS IF LIVING IN THE COUNTY, OR WITHIN 30 DAYS IF LIVING ELSEWHERE IN THE STATE; PROVIDED, HOWEVER, THAT THE GRANTING OR CONTINUED RECEIPT OF AID SHALL NOT BE CONTINGENT UPON THE FILING OF SUCH SWORN STATEMENT BY SUCH SPOUSE OR ADULT CHILD.

"IF THE PERSON RECEIVING AID HAS WITHIN THE STATE, A SPOUSE OR ADULT CHILD PECUNIARILY ABLE TO SUPPORT SAID PERSON, THE BOARD OF SUPERVISORS SHALL REQUEST THE DISTRICT ATTORNEY OR OTHER CIVIL LEGAL OFFICER OF THE COUNTY GRANTING SUCH AID TO PROCEED AGAINST SUCH KINDRED IN THE ORDER OF THEIR RESPONSIBILITY TO SUPPORT. UPON SUCH DEMAND THE DISTRICT ATTORNEY OR OTHER CIVIL LEGAL OFFICER OF THE COUNTY GRANTING AID SHALL, ON BEHALF OF SAID COUNTY, MAINTAIN AN ACTION, IN THE SUPERIOR COURT OF THE COUNTY GRANTING SUCH AID, AGAINST SAID RELATIVE, IN THE ORDER NAMED, TO RECOVER FOR SAID COUNTY SUCH PORTION OF THE AID GRANTED AS SAID RELATIVE IS ABLE TO PAY, AND TO SECURE AN ORDER REQUIRING THE PAYMENT OF ANY SUMS WHICH MAY BECOME DUE IN THE FUTURE FOR WHICH THE RELATIVE MAY BE LIABLE. . . ."

THE GRANTING OF OR CONTINUED RECEIPT OF AID SHALL NOT BE CONTINGENT UPON SUCH RECOVERY.

## RESPONSIBLE RELATIVES' CONTRIBUTION SCALE

[illegible]



MAIN OFFICE  
SACRAMENTO  
616 K STREET

LOS ANGELES OFFICE  
WASHINGTON BLDG.  
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE  
DAVID HEWES BLDG.  
995 MARKET STREET

EARL WARREN  
GOVERNOR  
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING  
DIRECTOR

Sacramento  
May 29, 1943

SOCIAL WELFARE BOARD  
ARCHIBALD B. YOUNG, CHAIRMAN  
808 S. SAN RAFAEL AVENUE  
PASADENA

MRS. MARY E. BARKNILL  
ROUTE 1, BOX 55  
LINDSAY

MRS. T. G. EMMONS  
POST OFFICE BOX 12  
SALINAS

WILFORD H. HOWARD  
1815 REDWOOD HIGHWAY SOUTH  
SANTA ROSA

BEN KOENIG  
1680 N. VINE ST.  
LOS ANGELES

JOHN C. CUNEO  
922 J. STREET  
MODESTO

HEBER JAMES BROWN  
1419 BROADWAY  
OAKLAND

DEPARTMENT BULLETIN NO. 211

TO: COUNTY BOARDS OF SUPERVISORS  
COUNTY WELFARE DEPARTMENTS  
COUNTY AUDITORS

Subject: Old Age Security  
July 1, 1943 Amendments

The Old Age Security law has been amended by Assembly Bill 1994 which became Chapter 358, Statutes of 1943. The amended law becomes effective July 1, 1943. The grants of current recipients of Old Age Security shall be adjusted as necessary to bring the grant of aid into accord with the provisions of the amended law, and all actions of the Board of Supervisors on applications and Notices of Change on or after July 1, 1943, shall be in accord with the amended requirements.

The following rules and regulations pertain to new sections which have been added to the Code and to sections which have been amended. All existing rules and regulations which are in conflict with them are cancelled effective July 1, 1943. Rulings in the Manual of Policies and Procedures will be amended and the revised Manual Sections will follow as soon as administratively possible.

Attached to this bulletin is a copy of Attorney General's Opinion NS4700 relating to the length of time an inmate in a public hospital may continue to receive aid.

Very sincerely yours,

(Authority: Sections 103,  
2140, and 2141  
of the Welfare  
& Institutions Code)

*Martha A. Chickering*  
MARTHA A. CHICKERING, Director  
Department of Social Welfare

Attachment

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Section 2005

"The State Department of Social Welfare, through the division of State Aid to the Aged, and the board of supervisors of every county shall follow the policy of giving the aid provided for in this chapter to every applicant in his own or in some other suitable home of his own choosing, in preference to placing him in an institution."

\* \* \* \* \*

This section has been amended by insertion of the words "of his own choosing."

Section 2008.5

"Any person who accepts compensation or other remuneration or a gift, for making application for aid under this chapter on behalf of an aged person, for assisting an aged person to apply for such aid, or for assisting an aged person to obtain a greater amount of aid than he has been granted, is guilty of a misdemeanor."

"This section does not prohibit an active member of the State Bar from accepting a fee for representing an aged person in a hearing before the county board of supervisors, in an appeal to the State Social Welfare Board, or in any court action."

\* \* \* \* \*

Section 2014

"In case of dispute, the application and supporting documents pertaining to his case on file in the Department of Social Welfare or on file in any county office or elsewhere shall be open to inspection at any time during business hours by the applicant or recipient, or by his designated attorney or agent upon proof of his designation as such attorney or agent."

\* \* \* \* \*

"Dispute" refers to any situation in which the applicant or recipient or his designated agent or attorney is in disagreement with the administrative officer as to the amount of aid awarded, or as to the reasons for denial of aid, or as to the dates of signature on the application or other documents, or any other facts relating to his application, grant or denial of aid. In case of such a dispute the application and supporting documents pertaining to his case shall be open to inspection by such applicant, or recipient, his agent or attorney.

Supporting documents referred to in this section means all documents necessary to determine the grant or denial of such grant and include the following:

1. Application and Recipient's Affirmation of Eligibility.
2. Verification of age, residence, citizenship.
3. Verification of ownership of real or personal property, cash, etc.
4. Signed statements of the responsible relatives regarding the contribution made.
5. Verification of income.
6. Certificate of Eligibility reporting the action of the Board of Supervisors on the application, and Notices of Change reporting increase, decrease, discontinuance, or restoration of an award.

Section 2015

"Copies of all laws relating to application for and granting of aid under this chapter, and of all bulletins and rules and regulations of the State Department of Social Welfare shall be made available to the public in each county office administering aid under this chapter and in each local or regional office of the department."

\* \* \* \* \*

In the office of each county welfare department and in each county welfare department district office, and in each such additional office as the Board of Supervisors may designate, a file marked "For Public Use," shall be maintained for inspection by the general public. The file shall contain the following material:

1. Copy of the Old Age Security Law.
2. Copy of Division 1, of the Welfare and Institutions Code--Administration of Welfare and Institutions, Chapter 1, State Department of Social Welfare.
3. Manual of Policies and Procedures, State Department of Social Welfare.
4. Department Bulletins which have not been superseded by rulings appearing in the Manual of Policies and Procedures.

It is the responsibility of the county to keep up to date the file of material available for inspection by the general public, such inspection to be made on the premises.

For the purpose above outlined a supply of Department Bulletins currently effective will be mailed to each County Welfare Department prior to July 1. If more than one set of such bulletins is necessary counties are asked to request the



number of sets desired before that date. Additional copies of the Manual of Policies and Procedures may be secured upon the written request of the executive officer of the County Welfare Department and counties which have not already secured the necessary number of Manuals to meet the above requirement should forward a request for the specific number needed to the State Department of Social Welfare. (See Department Bulletin No. 208, issued March 11, 1943)

Section 2016

"Upon request therefor, every applicant shall be given an itemized report setting forth the amount of aid granted to him, and the deductions, if any, made."

\* \* \* \* \*

Immediately following the order of the Board of Supervisors granting aid and/or increasing, decreasing, or discontinuing the award, the applicant or recipient shall be notified in writing of the amount of aid granted and the source and amount of income, if any, which was deducted when determining the amount of the grant.

Form Ag 239, Notification of Action by the Board of Supervisors, which is routinely forwarded to the applicant or recipient notifying him of the Board of Supervisors' action has been revised to provide space in which to record the source and amount of the deductions. When the income is deducted from the amount of total need as determined under the excess need (budget or other excess need cases) provision of Section 2020.01, the amount of total need shall be shown in addition to the source and amount of the income, and the amount of aid granted.

Individual counties may substitute for Form Ag 239 such forms as devised by them to notify the applicant or recipient of the particular action of the Board of Supervisors. Any substituted form must show the action taken, the effective date, the source and amount of income, if any, which is deducted, the amount of total need if in excess of \$50 and the notification of right of hearing before the Board of Supervisors and of appeal to the Social Welfare Board. In every case the date of the notification must be shown.

(See next page for Form Ag 239 revised.)

NOTIFICATION OF ACTION BY THE BOARD OF SUPERVISORS  
OLD AGE SECURITY

\_\_\_\_\_ COUNTY

TO:

DATE \_\_\_\_\_

COUNTY NUMBER \_\_\_\_\_

STATE NUMBER \_\_\_\_\_

DISTRICT \_\_\_\_\_

THE COUNTY BOARD OF SUPERVISORS IN ACCORDANCE WITH STATE LAW AND THE RULES AND REGULATIONS OF THE STATE BOARD OF SOCIAL WELFARE, ACTED UPON YOUR APPLICATION FOR OLD AGE SECURITY AS STATED BELOW:

APPLICATION GRANTED EFFECTIVE \_\_\_\_\_ IN THE AMOUNT OF \$ \_\_\_\_\_

SOURCE AND AMOUNT OF INCOME WHICH WAS DEDUCTED \_\_\_\_\_

APPLICATION DENIED

REASON FOR ACTION \_\_\_\_\_

THE COUNTY BOARD OF SUPERVISORS ADJUSTED THE GRANT OF OLD AGE SECURITY RECEIVED BY YOU AS STATED BELOW:

AID WAS DECREASED INCREASED EFFECTIVE \_\_\_\_\_ TO \$ \_\_\_\_\_  
(CROSS OUT ONE)

SOURCE AND AMOUNT OF INCOME WHICH WAS DEDUCTED \_\_\_\_\_

AID WAS DISCONTINUED EFFECTIVE \_\_\_\_\_

REASON FOR ACTION \_\_\_\_\_

THE GRANT OF AID, OR ANY CHANGE IN THE AMOUNT OF AID, IS BASED ON YOUR PRESENT CIRCUMSTANCES, AND IS IN ACCORD WITH THE EXISTING LAW. THE AMOUNT OF AID GRANTED IS SUBJECT TO REVISION WITH A CHANGE IN YOUR CIRCUMSTANCES.

IF YOU DO NOT UNDERSTAND THIS NOTICE, OR ARE DISSATISFIED WITH THE ACTION OF THE BOARD OF SUPERVISORS, CONTACT THE COUNTY WELFARE DEPARTMENT LOCATED AT \_\_\_\_\_ FOR DISCUSSION OF ANY QUESTION INVOLVED.

\_\_\_\_\_  
STAMP OR SIGNATURE OF COUNTY WORKER

AN APPLICANT OR RECIPIENT WHO IS DISSATISFIED WITH THE ACTION TAKEN UPON HIS APPLICATION, OR WITH RESPECT TO THE AMOUNT OF AID GRANTED MAY REQUEST A HEARING BEFORE THE BOARD OF SUPERVISORS, BUT SUCH REQUEST MUST BE FILED WITH THE COUNTY BOARD OF SUPERVISORS WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE. (WELFARE AND INSTITUTIONS CODE, SECTION 2181.1)

OR

THE APPLICANT OR RECIPIENT WHO IS DISSATISFIED WITH THE ACTION TAKEN ON HIS APPLICATION, OR WITH RESPECT TO THE AMOUNT OF AID GRANTED MAY APPEAL DIRECTLY TO THE STATE DEPARTMENT OF SOCIAL WELFARE, 616 K STREET, SACRAMENTO, BUT IF A HEARING BEFORE THE BOARD OF SUPERVISORS HAS BEEN REQUESTED, AN APPEAL MAY NOT BE FILED WITH THE STATE DEPARTMENT OF SOCIAL WELFARE UNTIL AFTER THE DECISION OF THE BOARD OF SUPERVISORS HAS BEEN RENDERED. (WELFARE AND INSTITUTIONS CODE, SECTION 2182)

IMPORTANT: INFORMATION FOR ALL RECIPIENTS OF OLD AGE SECURITY.

SHOULD CIRCUMSTANCES MAKE IT NECESSARY FOR YOU TO MOVE, IT IS YOUR RESPONSIBILITY TO MAKE PROPER ARRANGEMENTS WITH YOUR COUNTY WELFARE DEPARTMENT BEFORE YOU MOVE, EITHER OUT OF THE COUNTY OR TO A NEW ADDRESS WITHIN THE COUNTY. OTHERWISE, THERE MAY BE AN UNAVOIDABLE DELAY OR INTERRUPTION IN THE RECEIPT OF YOUR AID.

IN ACCORDANCE WITH YOUR STATEMENT, FORMALLY SWORN TO AT THE TIME YOU SIGNED YOUR APPLICATION, YOU ARE REQUESTED TO DISCUSS PROMPTLY WITH YOUR COUNTY WELFARE DEPARTMENT ANY CHANGES IN YOUR CIRCUMSTANCES OR FINANCIAL CONDITION. THIS WILL INCLUDE DISCUSSION OF PURCHASE OR SALE OF REAL OR PERSONAL PROPERTY, AND ANY CHANGES IN YOUR INCOME FROM PROPERTY, RESPONSIBLE RELATIVES, EARNINGS, OR ANY OTHER SOURCE.



Section 2020.01 "The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, fifty dollars (\$50) per month. If, however, in any case it is found the actual need of an applicant exceeds fifty dollars (\$50) per month, such applicant shall be entitled to receive aid in an amount, not to exceed fifty dollars (\$50) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature. While this section is in effect it shall supersede Section 2020 of this code, and wherever in any provision of law reference is made to Section 2020, such reference shall be deemed to refer to this section; but Section 2020 is not repealed by this section and after this section is no longer effective Section 2020 shall have the same force and effect as though this section had not been enacted."

\* \* \* \* \*

"Casual income and inconsequential resources" are not considered in determining the grant of aid. Whenever "income" is used herein, it refers to income other than casual income.

Premiums paid by responsible relatives or others on insurance policies of the recipient do not represent income to the recipient. When determining the amount of the grant under the provisions of Section 2020.01 such premiums shall be disregarded, and appropriate increase effective July 1, 1943, shall be made in the grant of any recipient who is currently receiving less than \$40 due to payment of insurance premiums for him by another. (See Section 2163.)

The minimum need of an individual applicant or recipient is \$50 a month. The amount of aid granted plus the income received must equal at least \$50 a month.

If it is found that actual need exceeds \$50 a month, the difference between total need and the income represents the amount of aid to which the recipient is entitled except that in no case may the grant of aid exceed \$50. The grant of aid and the income may not exceed total need which has been established to be in excess of \$50.

The provisions of Department Bulletin 143-Revised A, relating to need in excess of the basic grant, and the establishment of such excess need, remain in full force and effect except that "\$50" shall be substituted for "\$40" as it appears therein. Department Bulletin 143-Revised D is canceled.

The Social Welfare Board, on May 27, 1943, amended the policy adopted on May 15 governing the method of determining the budget schedule for Old Age Security recipients as follows:

"The budget schedule shall be based on an average of pricings throughout the state. The schedule so developed shall be used in each county of the state, the cost of the items therein to be mandatory minima for each item, except that any county, on the basis of a pricing plan approved by the State Department of Social Welfare, may develop schedules showing the cost of items to be higher or lower than those in the State Department of Social Welfare Guide."

On May 15, 1943, the Social Welfare Board adopted a revised budget schedule based on an average of statewide 1943 pricings for the various items. The

revised budget schedule becomes effective July 1, 1943. The amounts set forth are mandatory minima for each item unless different amounts have been determined on the basis of a pricing plan approved by the State Department of Social Welfare, except that the items for utilities shall be those as paid or the minima set forth in the budget schedule. When the facts in the individual case establish that the need (not the want) of the recipient requires a larger amount than the established mandatory minimum, the increased item so determined may be included in the budget.

#### BUDGET SCHEDULE

Food	\$17.40(Increase 75% to \$30.45 if all meals are purchased in restaurants.)
Housing, as paid, for example	20.00
Utilities, as paid, or the following minima	
Electricity	1.20
Gas	2.35
Water	1.50
Garbage	.50
Other, for example, heat	1.80
Household operations	3.25
Clothing	4.90
Incidentals and personal needs	10.00
Transportation	3.00
Other needs, such as medical care, etc., in the amount of actual cost	-
Total	<u>\$65.90</u>

Current grants of Old Age Security determined in accord with total need as established by the budget method shall be recomputed on the basis of the mandatory minimum amounts for those items which represent individual need of the recipient. No allowance is made in the budget for items which do not represent need of the recipient, for example, if water is furnished by the landlord, the recipient has no need for this item, and it is therefore not included in his budget. Likewise, the garbage item would be omitted from the budget if the recipient has no expense for this item. However, any special items of need on the part of the individual would be included in his budget. These would largely fall in the category of excess needs as set forth in Bulletin 143-Revised A.

The revised budget schedule shall apply and any rulings or examples in Bulletin 143-Revised B which are in conflict with this bulletin are superseded by it.

The following examples demonstrate the method of determining the grant in budget cases as effective July 1, 1943.

#### Examples of Determination of Grant by Means of Revised Budget Schedule

Example 1: A single recipient living alone pays rent of \$20 a month. Rent includes water and garbage removal but does not include other utilities. In addition to gas for cooking, the recipient has to buy wood for heating at an average cost of \$1.80 a month. His only income is a \$10 a month contribution from a son.



<u>Total Need</u>		<u>Income</u>	
Food	\$ 17.40	Contribution from son	\$ 10.00
Rent	20.00		
(including water)		* * * *	
Electricity	1.20		
Gas	2.35	Total need	63.90
Wood for heating	1.80	Total income	10.00
Household operations	3.25	Budget deficiency	\$ 53.90
Clothing	4.90		
Incidentals	10.00	Grant \$50	
Transportation	3.00		
	<u>\$ 63.90</u>		

Example 2: A single recipient lives in his own home, assessed value \$800. Taxes average \$3 per month, and a street assessment, required payments on which average \$1.05 per month, represents the only encumbrance. Upkeep is \$2 per month. He receives O.A.S.I. in the amount of \$10 per month.

<u>Total Need</u>		<u>Income</u>	
Food	\$ 17.40	Net value of occupancy \$ 2.95 (\$4 less	
Housing		O.A.S.I.	10.00 \$1.05)
Taxes	3.00		<u>\$12.95</u>
Assessment	1.05		
Upkeep	2.00	* * * *	
Net value of occupancy	2.95		
Electricity	1.20	Total need	\$52.60
Gas	2.35	Total income	12.95
Water	1.50	Budget deficiency	\$39.65
Household operations	3.25		
Clothing	4.90	Grant \$39.65 or \$40	
Incidentals	10.00		
Transportation	3.00		
	<u>\$ 52.60</u>		

Example 3: A couple, each receiving Old Age Security, live in their own encumbered home assessed at \$1000. Taxes average \$6 a month, required monthly payments on the total encumbrance are \$12. Upkeep is \$2 a month. The couple state their monthly utility needs are, electricity \$2, gas \$3.50, water \$1.50. The husband receives \$20 a month veteran's pension. Necessary medical care for the wife costs \$5 a month. The budget for the husband is as follows:

<u>Total Need</u>		<u>Income</u>	
Food	\$ 17.40	Net value of occupancy	none
Housing		Veteran's pension after	
Taxes	6.00	allowing $\frac{1}{2}$ for wife	<u>10.00</u>
Encum.	12.00		\$ 10.00
Upkeep	<u>2.00</u>		
$\frac{1}{2}$ of	20.00		
	10.00	* * * *	
*Net value of occupancy	none		
**Utilities		Total need	\$ 52.05
Elec.	2.00	Total income	<u>10.00</u>
Gas	3.50	Budget deficiency	\$ 42.05
Water	<u>1.50</u>		
$\frac{1}{2}$ of	7.00		
	3.50	Grant \$42.05 or \$43	
Household operations	3.25		
Clothing	4.90		
Incidentals	10.00		
Transportation	<u>3.00</u>		
	\$ 52.05		

\* To arrive at net value of occupancy deduct from the table value the recipient's share of the encumbrance payment. In this case the recipient's share of the encumbrance payment eliminates value of occupancy.

\*\* The prorated share of utilities is allowed each of the couple in computing his total need and each recipient fills in the affidavit at the bottom of the budget work sheet as to the amount of his share of the utilities for the household.

The need of the wife is the same as that of her husband except that she has an additional need of \$5 per month for medical care. Therefore her total need is \$52.05+\$5 or \$57.05, and her grant is determined as follows:

<u>Total Need</u>		<u>Income</u>	
\$57.05		Net value of occupancy	none
		$\frac{1}{2}$ of Veteran's pension	
		received by husband	<u>10.00</u>
			\$10.00
		* * * *	
		Total need	\$57.05
		Total income	<u>10.00</u>
		Budget deficiency	\$47.05
		Grant \$47.05 or \$48	

Example 4: (a) A single recipient earns \$15 and in addition receives free rent and utilities in a rear cottage owned by a sister. The county has determined the value of free rent and utilities to be \$14 a month.



There is no other income. The recipient has need for dentures and has made arrangements to purchase them paying \$15 a month for four months. He also requires regular medical care which costs \$5.50 a month.

<u>Total Need</u>		<u>Income</u>	
Food	\$17.40	Value of free rent and utilities	\$14.00
Rent and Utilities	14.00	Earnings	15.00
Household operations	3.25	Total income	\$29.00
Clothing	4.90		
Incidentals	10.00		
Transportation	3.00	* * * *	
Dentures	15.00		
Medical care	5.50	Total need	\$73.05
	<u>\$73.05</u>	Total income	29.00
		Budget deficiency	\$44.05
		Grant \$44.05 or \$45	

At the expiration of a four-month period, aid must be reduced as the need for dentures no longer exists. If other conditions remain the same, and the need for medical care continues, his total need according to the budget method will then be \$58.05 instead of \$73.05. The grant is adjusted as follows:

Total need	\$58.05
Total income	29.00
Budget deficiency	\$29.05

Grant \$29.05 or \$30

Example 4: (b) Should the above recipient, not wishing to give detailed information regarding his expenditures or for other reasons, wish to have his need in excess of the grant determined under the method set forth in Bulletin No. 143-Revised A, the computation would be as follows:

<u>Need</u>		<u>Income</u>	
Basic needs	\$50.00	Value of free rent and utilities	\$14.00
Dentures	15.00	Earnings	15.00
Medical care	5.50		\$29.00
Total need	70.50		
Total income	29.00		
Amount of grant	\$41.50		

Example 5: A recipient in feeble physical condition pays \$45.00 per month board and room in a rest home, where all services are provided. He is unable to leave the house, and has no need of transportation. He has income of \$21 per month from O.A.S.I. benefits.

<u>Total Need</u>		<u>Income</u>	
Board and room	\$45.00	O.A.S.I.	\$21.00
Clothing	4.90		
Incidentals	10.00	* * * *	
Total need	<u>\$59.90</u>		
		Total need	\$59.90
		Total income	<u>21.00</u>
		Budget deficiency	<u>\$38.90</u>
		Grant \$38.90 or \$39	

Section 2020.05 "For the purposes of Section 2020, earnings of an applicant shall not be deemed income or resources of the applicant, and shall not be deducted from the amount of aid to which the applicant would otherwise be entitled.

"This section shall take effect if and when amendments to the Federal statutes or rules and regulations of the Federal Social Security Board take effect permitting this State to give effect to this section without thereby rendering this State ineligible to receive Federal grants-in-aid for old age assistance in this State."

\* \* \* \* \*

The provisions of Section 2020.05 are not effective. The recent amendment to the Federal statute exempting agricultural earnings from consideration in determining the grant of Old Age Security is not yet operative in California.

Section 2021.01 "There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to every county within this State for maintaining or supporting aged persons who come within the provisions of this chapter aid not in excess of five hundred dollars (\$500) per annum for each such aged person maintained or supported by such county.

"There is hereby further appropriated to every county within this State for the purpose of maintaining or supporting persons who come within the provisions of this chapter and who have no county residence as provided in this chapter, aid not in excess of six hundred dollars (\$600) per annum for each such aged person.

"Payments of aid shall be made in the manner provided in Sections 2187.01 to 2189, inclusive, of this code.



"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature. While this section is in effect it shall supersede Section 2021 of this code, and wherever in any provision of law reference is made to Section 2021, such reference shall be deemed to refer to this section; but Section 2021 is not repealed by this section and after this section is no longer effective Section 2021 shall have the same force and effect as though this section had not been enacted."

Section 2187.01 "From the sums appropriated therefor by the State of California in Section 2021.01 of this chapter, the State Treasurer shall pay to each county an additional amount which shall be used exclusively for aid to needy aged equal to five-sixths of the remainder of the sums expended by the county as aid to the needy aged under this chapter, after deducting from the sums so expended the amount paid to the county under subdivision (1) of Section 2186 of this code, except that the State shall pay the county the full amount of aid granted any person otherwise qualified who has resided in the State for the required period and who has no county residence, after deducting the amount paid with respect to such person under subdivision (1) of Section 2186 of this code.

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature. While this section is in effect it shall supersede Section 2187 of this code, and wherever in any provision of law reference is made to Section 2187, such reference shall be deemed to refer to this section; but Section 2187 is not repealed by this section and after this section is no longer effective Section 2187 shall have the same effect as though this section had not been enacted."

\* \* \* \* \*

Beginning July 1, 1943, a maximum amount of \$50.00 may be paid to a recipient of OAS. The State participation has been increased from 1/2 to 5/6 and the county share is 1/6 for payments made to persons having one year or more county residence, the Federal share (1/2 up to \$40) being first deducted from the total as in the past. The State will continue to pay the entire amount, less the Federal share, for all cases having less than one year county residence. The following examples illustrate the new ratio of participation in the different types of cases:

	TOTAL	FED.	STATE	COUNTY	TOTAL	FED.	STATE	COUNTY	TOTAL	FED.	STATE	COUNTY
REGULAR FED., STATE & Co.	50.00	20.00	25.00	5.00	45.00	20.00	20.831/3	4.162/3	35.00	17.50	14.581/3	2.912/3
NON-Co.	50.00	20.00	30.00	NONE	45.00	20.00	25.00	NONE	35.00	17.50	17.50	NONE
NON-FED.	50.00	NONE	41.662/3	8.331/3	45.00	NONE	37.50	7.50	35.00	NONE	29.162/3	5.831/3
NON-Co. - NON-FED.	50.00	NONE	50.00	NONE	45.00	NONE	45.00	NONE	35.00	NONE	35.00	NONE

The Manual of Policies and Procedures, Section 601-00 through 601-99 "Estimates, Advances and Expenditures", remains in effect, with the exception that the Estimate Form Ag 809 is being revised to meet the new ratio of State participation.

Reports of aid paid will continue to be made as outlined in the Manual in Sections 626-00 through 629-99, "County Aid Claims", except that the appropriate sections in this portion of the Manual will be revised to show the increase in the maximum grant of OAS from \$40 to \$50, the method of reporting the amount in excess of the Basis for Federal Participation (\$40) and computation of Federal and State shares. The following new OAS voucher claim forms, which are similar to the Blind claim forms now in use, follow.

Aid Affidavit, Form Ag 800  
Aid Payroll, Form Ag 801  
Recapitulation Sheet, Form Ag 802  
Report of Cancelled Warrants, Form Ag 804

No change has been made in Form Ag 803, "Report of Adjustments" and Form Ag 805, "Report of Collections" which are a part of the OAS claims, as the present forms include a column for reporting the excess amount over \$40.

The new County Hospital aid claim forms which follow are self-explanatory.

Affidavit, Form Ag 800-H  
Claim, Form Ag 801-H

Section 626-30 of the Manual entitled "County Designed Aid Claim Forms" is still applicable. It is recognized that the necessary revisions of the OAS payroll will create problems where mechanical equipment is used in its preparation. Any rearrangement of the columns which is necessary for the county's convenience may be made, provided the necessary information is included.

Section 2140 which provides in part that "... The State Department of Social Welfare shall make such reports in such form and containing such information as the Social Security Board may from time to time require ..." is not changed by AB 1994. However, the instructions re statistical reporting are affected by Sections 2120.01 and 2187.01 as follows:

In Manual Section 563-20 relating to completion of Form Ag 237, Monthly Statistical Report (items 11, 11a, 11b, and 11c), substitute \$50 for \$40 in the 1st and 2nd paragraphs. The example showing how to compute the sources of funds for OAS in Manual Section 563-20 is now obsolete. Shares should be computed in accordance with instructions in this bulletin.



Section 2142.5

"Every person administering aid under this chapter shall conduct himself with courtesy, consideration, and respect toward applicants for and recipients of aid under this chapter, and shall endeavor at all times to perform his duties in such manner as to secure for every aged person the maximum amount of aid to which he is entitled, without attempting to elicit any information not necessary to carry out the provisions of this chapter, and without comment or criticism of any fact concerning applicants or recipients not directly related to the administration of this chapter."

\* \* \* \* \*

Section 2160e

"Aid shall be granted . . . to any person . . .

(e) "Who is not, at the time of receiving such aid an inmate of any public home for the aged, or any public home, or any public institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a public hospital not exceeding two calendar months in duration."

\* \* \* \* \*

The period of temporary hospitalization is changed from "not exceeding 60 days in duration" to "not exceeding two calendar months."

If the recipient has not been confined to the hospital for more than two calendar months prior to the first of the month for which payment is due, his care shall be considered as temporary medical or surgical care, and aid shall be paid. If two calendar months have elapsed since the recipient was admitted, aid shall be discontinued.

Example: Admitted to county hospital on July 5. Even though it may be known that the recipient will probably remain in the hospital for many months, aid is payable for August and for September because on the first of either month he had not been in the hospital for two calendar months. Aid is discontinued 9/30/43.

When the recipient enters the hospital on the first day of the month the aid shall be discontinued effective as of the last day of the next calendar month, irrespective of the probable period during which he may remain in the hospital.

Example: Admitted to county hospital July 1. Aid is payable for July and August. It is not payable for September because on September 1 the recipient had already been in the hospital for two calendar months. Aid must be discontinued 8/31/43.

Any recipient who on July 1, 1943, has been in receipt of temporary medical or surgical care in a public hospital for less than 60 days shall continue to receive aid until the end of the second calendar month following that in which he was admitted to the public hospital.

Social Security Board policy allows reimbursement for the aid paid only when a determination has been made that the hospitalization was for a temporary period. Therefore, a determination regarding the probable period of hospitalization shall be made immediately upon receipt of notification that the recipient has entered the county hospital in order to determine whether or not Federal funds may be claimed. On each Notice of Change, Ag 232, submitted to the State Department of Social Welfare to report discontinuance of aid because of hospitalization, record under "Remarks" the results of the determination as to the probable period of hospitalization i.e.; probably temporary or probably for more than 2 calendar months.

Section 2160

"Aid shall be granted . . . to any person . . .

(f) "Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this State to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be ground for refusing aid."

\* \* \* \* \*

Aid shall not be denied an applicant who, at the time of making application, is in receipt of free board and lodging, or both, but if the free board and lodging, or both, is to continue after the granting of the application, the value thereof shall be considered in determining the amount of aid to which the applicant is eligible.

Section 2163

"No aid under this chapter shall be granted or paid to any person who owns personal property the value of which, less all encumbrances of record, exceeds six hundred dollars (\$600).

"The term personal property shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars (\$1,000). No insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient."



Section 2163.2

"For the purposes of this chapter the term personal property shall not include personal effects of the applicant or recipient. Personal effects include clothing, furniture, household equipment, foodstuffs, and fuel, but do not include jewelry and items of similar character."

Section 2163.7

"For the purposes of this chapter, any place of abode of an applicant or recipient, whether house, boat, trailer, or other habitation, shall be considered real property."

\* \* \* \* \*

The value of personal effects including clothing, furniture, household equipment, foodstuffs and fuel shall not be considered when determining the value of personal property. Jewelry is not included in items of personal property exempted under Section 2163.2.

The value of a house owned by a recipient but located on the property of another, a trailer, boat, or other such abode owned by an applicant or recipient and used by him as his home no longer represents personal property, but shall be considered real property of the applicant or recipient. (See Section 2164 and 2165.)

The maximum amount of personal property which an applicant or recipient may own is increased from \$500 to \$600. The current market value of items of personal property owned, less encumbrances of record, shall be used in determining the value of personal property holdings. The applicant's or recipient's equity in personal property being purchased under contract of sale shall be included when determining the total value of personal property, except that any equity in that type of personal property specified in Section 2163.2 shall be disregarded.

In all cases in which the market value of the total personal property approaches, equals, or exceeds \$600, a search of the Recorder's records to ascertain the recorded encumbrances, if any, shall be made unless documents in the applicant's possession show the Recorder's stamp or there is other bonafide evidence that the encumbrance was recorded. From the total market value of all personal property shall be deducted the total of all recorded encumbrances against the various items of personal property.

The duration of the encumbrance and the verification of the exact amount due may be made from documents in the applicant's or recipient's possession or by interview or correspondence with the holder of the mortgage or note.

When the net marked value of all personal property to be considered in determining eligibility of the applicant is well within the \$600 maximum no verification regarding encumbrances is necessary and the total market value without regard to encumbrances may be noted in the case record. However, such encumbrances as are stated by the applicant or recipient to be of record should be noted in the case record. If an increase in market value of personal property holdings, or the acquisition of additional personal property, causes the total value to approach, equal or exceed \$600, investigation shall be made of the encumbrances, if any, of record. Such encumbrances of record shall be deducted from the market value in determining the total net value of personal property. (See Manual Section 351-00 and 351-05 re reinvestigation.)

Section 2163.1 "For the purposes of this chapter, the interest of an applicant or recipient in an estate as heir, devisee, or legatee shall not be considered property of the applicant or recipient until it has been distributed to him and is available for expenditure or disposition by him; and the interest of a beneficiary of a trust shall not be considered to be property of the beneficiary until it has been made available for expenditure or disposition by him."

\* \* \* \* \*

This section incorporates into the code the department ruling that property in an undistributed estate shall be considered the property of the applicant only when the property is available prior to distribution of the estate. (See Manual of Policies and Procedures, Sections 132-52 and 144-10, revised April 30, 1943.)

This section also incorporates the department ruling on the value of trust funds as adopted by the Social Welfare Board in April 1943, and soon to be released as Manual Section 144-08:

"When an applicant or recipient does not have control of all or part of a trust, of which he is the beneficiary, the current market value of the trust or that portion not under his control (less encumbrances of record in OAS, ANB and APSB) shall not be considered in determining personal property holdings of the applicant or recipient.

"When ownership of the trust is dependent upon the occurrence of a certain event, such as the applicant or recipient attaining the age of 21 years, such trust is not considered the property of the applicant or recipient until the stipulated event occurs."

Section 2164 "No aid under this chapter shall be granted or paid to any person who owns real property the assessed value of which, as assessed by the county assessor, less all encumbrances thereon of record, exceeds three thousand dollars (\$3000) at the time such person makes application for aid.

Section 2165 "No aid under this chapter shall be granted or paid to any married person if the assessed value of the combined real property of the husband and wife, as assessed by the county assessor, less all encumbrances thereon of record, exceeds three thousand dollars (\$3000) at the time such person makes application for aid.

\* \* \* \* \*

Any house, trailer, boat or other place of abode which is owned and occupied by an applicant or recipient whether it is located on land belonging to him or to another, shall for the purposes of Old Age Security be considered real property. (See Section 2163.7 on page 15) The county assessed valuation of any



such place of abode shall be determined and taken into consideration in computing the total county assessed value of real property of the applicant or recipient.

If such place of abode is declared by the applicant or recipient to be his property but is not listed on the local assessment rolls, such property shall be referred to the county assessor to determine whether it is assessable and if assessable, its assessed value. If investigation reveals that such property is not assessable or it is impossible to obtain the county assessed value, the current market value of the property shall be obtained and this value substituted for the county assessed valuation in computing the total county assessed value of real property of the applicant or recipient.

Encumbrances of record shall be deducted from the county assessed valuation of real property in determining the assessed valuation of such real property for purposes of Old Age Security. Only those encumbrances of record in the county recorder's office or on the delinquent tax rolls may be so deducted. From the total assessed value of all real property shall be deducted the total of all recorded encumbrances against the various parcels of real property.

All rules and regulations concerning the determination of property ownership, and investigation of real property, as outlined in the Manual of Policies and Procedures, remain unchanged.

The Manual of Policies and Procedures, Section 132-03, Encumbrances of Record Deducted from Assessed Value of Real Property, previously applicable only in ANB and APSB is now applicable also in OAS. This section defines encumbrances of record and indicates the investigation, verifications and recording which shall be made of such encumbrances.

#### Section 2180

"Application for aid under this chapter shall be made to the board of supervisors of the county in which the applicant resides. An applicant shall apply in person unless he is physically unable to do so, in which event the application may be made by his authorized representative in his behalf. This application may be made in writing or reduced to writing upon the standard form prescribed by the State Department of Social Welfare, and a copy of his application shall be furnished to each applicant at the time of application. The form shall contain questions, the answers to which will provide the information necessary to establish eligibility for aid under this chapter. All statements in the application shall be verified, under oath, by the applicant."

\* \* \* \* \*

At the time the application is signed by the applicant whether it be signed in the County Welfare Office or elsewhere, the applicant shall be furnished a duplicate copy of the application. This duplicate must be complete and include a copy of all statements made, signature of applicant, date of filing and the signature of the person who attests the signature.

Applicants for Old Age Security shall, unless physically unable to do so, apply in person to the County Welfare Department in the county in which they reside.

5

If the applicant is physically unable to make application in person at the County Welfare Office, his authorized representative may make application for him. The authorized representative shall present written evidence that he is the authorized representative of the applicant. An authorized representative may not (unless he is a legal guardian of the applicant, see Manual Section 201-10) sign the prescribed application form for the applicant. The authorized representative who is making application for the applicant, shall complete Form Ag 200B, Application by Authorized Representative of Applicant, such affidavit to be completed in triplicate. One copy of the affidavit shall be given to the authorized representative as evidence that the application was made.

The date on which the affidavit is completed by the authorized representative shall be considered the date on which the application for Old Age Security is filed, and the 60 day investigation period shall be computed from that date i.e., the day following the date of signature on the affidavit represents the first day of the 60 day period.

A county worker shall, after receipt of an application filed by an authorized representative call in the home of the applicant and secure the completed and signed application of the applicant. An exact copy of the completed application together with a copy of the affidavit made by the authorized representative when filing the application shall be given to the applicant at this time.

The original affidavit of the authorized representative shall be attached to the original copy of the prescribed application (Form Ag 200) signed by the applicant and returned to the county. Either the original or a certified copy of Form Ag 200, Application for Old Age Security, is forwarded to the State Department of Social Welfare with the Certificate of Eligibility and if the application has been initiated by an authorized representative, either the original or a certified copy of the affidavit signed by him shall be attached to the application which is forwarded to the State Department of Social Welfare.

If the applicant who is physically unable to apply in person at the County Welfare Office writes the County Welfare Department asking to make application, a county worker shall, as soon as possible, call in the home and secure the signed application.

Other rules and regulations outlined in the Manual of Policies and Procedures governing applications for Old Age Security remain unchanged.

Application Form Ag 200 is revised in accord with the amended provisions of Section 2163, 2164 and 2165. A copy of the revised Form Ag 200 and of the new Form Ag 200B Application by Authorized Representative of Applicant, follow.



County \_\_\_\_\_

\_\_\_\_\_  
Name of Applicant

Application by Authorized Representative of Applicant  
Old Age Security

I \_\_\_\_\_, residing at \_\_\_\_\_,  
Name of authorized representative Street Number

\_\_\_\_\_, California, acting as the authorized  
city  
representative of \_\_\_\_\_, residing at \_\_\_\_\_,  
Name of applicant Street Number

\_\_\_\_\_, California, do hereby certify that the above named  
City  
applicant for Old Age Security is physically unable to make application in person  
at the county welfare department office and I do hereby make application for Old  
Age Security for him.

\_\_\_\_\_  
Signature of Authorized Representative

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Signature of County Clerk or person  
qualified to acknowledge an affidavit Title \_\_\_\_\_

Section 2181

"The board of supervisors, directly or through an authorized investigator, shall upon receipt of an application for aid, promptly, without any unnecessary delay, and with all diligence, make the necessary investigation. Such investigation shall be completed within 60 days after receipt of the application.

"The board shall upon receipt of the report of the investigation determine the ability of responsible relatives to contribute to the support of applicant and designate the amount of aid, if any, to be granted. The maximum degree of liability of the responsible relative shall be determined by 'Relatives' Contribution Scale.' In determining ability to contribute, the financial circumstances of responsible relatives shall be given due consideration and, in unusual cases, contributions at less than the amount fixed by 'Relatives' Contribution Scale' may be made as the board of supervisors may deem justifiable. A married daughter of the applicant shall not be required to make contributions unless she has income constituting her separate property."

(See next page for Relatives' Contribution Scale)



# RELATIVES' CONTRIBUTION SCALE

A. Net monthly income of responsible relatives in one family	B. Number of persons dependent upon income									10 and over
	1	2	3	4	5	6	7	8	9	
C. Maximum required monthly contribution										over
Under 155 -----	0	0	0	0	0	0	0	0	0	0
155 to 174 -----	5	0	0	0	0	0	0	0	0	0
175 to 194 -----	10	0	0	0	0	0	0	0	0	0
195 to 214 -----	15	0	0	0	0	0	0	0	0	0
215 to 234 -----	20	0	0	0	0	0	0	0	0	0
235 to 254 -----	25	5	0	0	0	0	0	0	0	0
255 to 274 -----	30	10	0	0	0	0	0	0	0	0
275 to 294 -----	35	15	5	0	0	0	0	0	0	0
295 to 314 -----	40	20	10	5	0	0	0	0	0	0
315 to 334 -----	45	25	15	10	0	0	0	0	0	0
335 to 354 -----	50	30	20	15	5	0	0	0	0	0
355 to 374 -----	55	35	25	20	10	5	0	0	0	0
375 to 394 -----	60	40	30	25	15	10	0	0	0	0
395 to 414 -----	65	45	35	30	20	15	5	0	0	0
415 to 434 -----	70	50	40	35	25	20	10	0	0	0
435 to 454 -----	75	55	45	40	30	25	15	5	0	0
455 to 474 -----	80	60	50	45	35	30	20	10	0	0
475 to 494 -----	85	65	55	50	40	35	25	15	5	0
495 to 514 -----	90	70	60	55	45	40	30	20	10	0
515 to 534 -----	95	75	65	60	50	45	35	25	15	5
535 to 554 -----	100	80	70	65	55	50	40	30	20	10
555 to 574 -----	100	85	75	70	60	55	45	35	25	15
575 to 594 -----	100	90	80	75	65	60	50	40	30	20
595 to 614 -----	100	95	85	80	70	65	55	45	35	25
615 to 634 -----	100	100	90	85	75	70	60	50	40	30
635 to 654 -----	100	100	95	90	80	75	65	55	45	35
655 to 674 -----	100	100	100	95	85	80	70	60	50	40
675 to 694 -----	100	100	100	100	90	85	75	65	55	45
695 to 714 -----	100	100	100	100	95	90	80	70	60	50
715 to 734 -----	100	100	100	100	100	95	85	75	65	55
735 to 754 -----	100	100	100	100	100	100	90	80	70	60
755 to 774 -----	100	100	100	100	100	100	95	85	75	65
775 to 794 -----	100	100	100	100	100	100	100	90	80	70
795 to 814 -----	100	100	100	100	100	100	100	95	85	75
815 to 834 -----	100	100	100	100	100	100	100	100	90	80
835 to 854 -----	100	100	100	100	100	100	100	100	95	85
855 to 874 -----	100	100	100	100	100	100	100	100	100	90
875 to 894 -----	100	100	100	100	100	100	100	100	100	95
895 to 914 and up -----	100	100	100	100	100	100	100	100	100	100

The above quoted section makes two major changes in the wording of the law governing contributions from responsible relatives. The first change is the incorporation in the law of the specific provision that a married daughter of the applicant shall not be required to make contributions unless she has income constituting her separate property. Although not previously written into the law this provision is established department policy as set forth in the Manual of Policies and Procedures, Section 172-00. The second change is found in the modification of the Responsible Relatives' Scale.

Section 2181.01 "Notwithstanding any provision of Section 2181, no grant of aid shall be withheld pending investigation of the financial condition of responsible relatives, if the applicant has established the fact that he is not receiving support from such relatives."

\* \* \* \* \*

In the absence of positive evidence to refute it the affidavit of the applicant or recipient shall be considered adequate proof that he is not receiving support from such relatives.

The Manual of Policies and Procedures, Section 172-00 (third paragraph) now provides that the granting of or continued receipt of aid shall not be contingent upon the filing of a sworn statement by a spouse or adult child and aid shall be granted to eligible aged persons regardless of whether they have relatives of the specified degree of kinship who are able though not willing to support the aged person.

This same manual section (fourth and fifth paragraphs) also provides that when an initial inquiry and a 30 day follow up request for a sworn statement from a responsible relative brings no reply and other investigation is completed, action should be taken on the application.

This procedure, in accord with the provisions of Section 2181.01, is hereby changed as follows:

If an initial request for a sworn statement has been forwarded to the responsible relative and no reply has been received by the time the remainder of the investigation of the application is completed and if the applicant has furnished evidence that he is not receiving support from the relative in question, appropriate action shall be taken on the application by the Board of Supervisors without further delay. The county shall in such cases after action of the Board of Supervisors granting aid, continue effort to obtain a sworn statement from the responsible relative living within the state in accord with the provisions of Section 2224 of the Code.

Section 2181.1 "The Board shall immediately notify the applicant in writing of its decision, and that he may, upon application to the board within 30 days, appear before the board at a time to be fixed by the board, and show cause why the action of the board is not satisfactory. The hearing shall be held within 30 days from the



time of application for hearing. Upon good cause shown, the board may reconsider its previous action, and take whatever action the board deems proper upon the application. The decision of the board confirming or reconsidering its previous action shall be rendered within 15 days after the hearing.

"The right of hearing by the board of supervisors provided by this section is intended as an alternative to direct appeal to the State Social Welfare Board, and an applicant who has applied for hearing before the board of supervisors shall not appeal to the State Social Welfare Board until the decision of the board of supervisors has been rendered. After the decision of the board of supervisors has been rendered, the applicant may appeal therefrom to the State Social Welfare Board. An applicant who does not apply for hearing before the board of supervisors may appeal directly to the State Social Welfare Board as provided in Section 2182.

\* \* \* \* \*

#### Section 2182

The provisions of this section are unchanged except that the underlined portion of the following quoted paragraph has been added:

"An applicant whose application for aid under this chapter has been rejected may not again apply for such aid until the expiration of one year from the date of the previous application, except with the consent of the county or an order of the State Department of Social Welfare, or until the condition because of which his application was rejected has been eliminated."

\* \* \* \* \*

The addition to Section 2182 incorporates the department ruling already appearing in the Manual of Policies and Procedures, Section 210-05.

Section 2182.1 "No filing fee shall be required from an applicant for or recipient of aid under this chapter for the filing of a petition in the superior court for a review of the proceedings in his case.

"Within ten (10) days after being served with notice of the filing of the petition, the State Department of Social Welfare shall cause to be filed with the clerk of the court the record of the proceedings in the case, and no further pleadings shall be required to bring the matter to issue.

"No bond shall be required in the case of any petition for review, nor in any appeal therefrom.

"If the decision of the court is in favor of the applicant for or recipient of aid, aid shall be paid from the first of the month following date of application therefor, and the applicant or recipient shall be entitled to reasonable attorney's fees and costs."

If the court should, when the decision is in favor of the applicant, make a finding as to costs and reasonable attorney fees, such costs and fees would be charged as indicated by the court's ruling.

Section 2183

"If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county. All payments of aid under this chapter shall be made monthly in advance by the treasurer of the county.

"A county shall have a period of 60 days after the date of application within which to determine whether or not the applicant is eligible for assistance, and the aid shall be granted to him from the first day of the month in which the determination is made that he is eligible but in no event shall the aid commence prior to the date of application. If the investigation is not completed at the end of the 60-day period, the investigation shall continue until completed and if eligibility is established, aid shall begin as of the first day of the month in which eligibility is established or as of the first day of the month following the end of the 60-day period, whichever is earlier.

"Such payment shall be paid by warrant and shall be delivered to the applicant at his residence if he so requests. If the recipient of old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, upon recommendation of the board of supervisors and with the approval of the Department of Social Welfare the aid authorized in this chapter may be paid to any responsible person acceptable to the recipient for the benefit of the recipient of this aid, but it shall be unlawful for the board of supervisors to order any part of the aid granted under this chapter to be paid in the form of merchandise orders for food, rent or otherwise."

\* \* \* \* \*

(The provisions of Section 2183.9 as outlined in Department Bulletin No. 206 concerning restoration of aid following discontinuance because of income from employment remain in effect and are in no way altered by the amended provisions of Section 2183.)

The period allowed the county for investigation of eligibility, except on applications following discontinuance because of income from employment, is reduced from 90 days to 60 days after the date of application. The procedure for determining the beginning date of aid when the investigation period exceeds 60 days is also changed. (The day following that on which the application is signed represents the first day of the investigation period. When the 60th calendar day falls on a Sunday, or other legal holiday, the following day is considered the 60th day. The final step in the investigation procedure is the action by the Board of Supervisors granting or denying the application. When application on behalf of an applicant who is physically unable to make application in person to the County Welfare Department is made by his authorized representative, the date on which the authorized representative signs Form Ag 200B, is considered the date on which the application for CAS was filed--see Section 2180, page 17.)



I. INTERIM PROCEDURE FOR APPLICATIONS PENDING ON 7/1/43. (This procedure is temporary and accordingly will not appear in the Manual of Policies and Procedures.)

1. 90-day period terminated May 31, 1943 or before that date.

The beginning date of aid on applications pending on July 1, 1943, and granted by the board of supervisors in July or in some subsequent month, but on which the 90-day period expired on May 31, 1943, or before, shall be the first day of the month following the expiration of the 90-day period.

Example: Application signed March 2; 90-day period expired May 31. The application is granted on July 1, or some subsequent date. Aid begins June 1, which is the first of the month following the end of the 90-day period.

2. 90-day period terminated in June 1943.

When the 90-day period terminated in June and the application is granted in July or in some subsequent month, the aid is payable from July 1, 1943.

Example: Application signed March 26; 90-day period ended June 24. The application is granted on July 10, or in some subsequent month. Aid begins July 1, which is the first day of the month following the end of the 90-day period.

3. More than 60 but less than 90 days expired by July 1, 1943.

When the application was signed more than 60 days, but less than 90 days before July 1, 1943, and the application is granted in July or in some subsequent month, the aid shall begin on the first of July.

Example: (a) Application signed April 21. Elapsed days on July 1, is 70. The 60-day period ended June 20. The application is granted in July. Aid is effective from July 1.

Example: (b) Application signed April 2. Elapsed days on July 1, 89 days. The 60-day period ended June 1. Application is granted on September 8. Aid begins July 1, the first of the month following the end of the 60-day period.

4. 60-day period ends in July 1943 or some subsequent date

When the 60-day period ends in July or in some subsequent month the aid shall be effective from the first of the month in which the board of supervisors grants the application, or from the first of the month following the end of the 60-day period, whichever is earlier.

Example: (a) Application signed May 3. The 60-day period terminated July 2. The application is granted July 5. Aid begins July 1, as the first of the month in which the supervisors granted the application is the earlier date.

Example: (b) Application signed May 10. The 60-day period ended July 9. The application is granted on September 3. Aid begins August 1, as the first of the month following the end of the 60-day period is earlier than the first of the month in which the board of supervisors granted the application.

## II. BEGINNING DATE OF AID ON APPLICATION SIGNED ON JULY 1, 1943, OR THEREAFTER

### 1. Investigation Completed Within the 60-day Period.

When the application is granted by the board of supervisors before the end of the 60-day period, the aid is effective from the first of the month in which the application is granted except that aid shall not be paid prior to the date of application.

Example: (a) Application is signed September 5. The application is granted on September 25, and aid is effective from September 5.

Example: (b) Application is signed July 27. The application is granted August 24. Aid begins August 1.

### 2. Investigation Exceeds 60-day Period

When investigation is completed by action of the board of supervisors subsequent to the end of the 60-day period, aid shall be effective from the first of the month in which the board of supervisors grants the application, or from the first of the month following the end of the 60-day period, whichever is earlier.

Example: (a) The application is signed July 1. The 60-day period expired August 30. The application is granted September 8. Aid begins September 1. The first of the month in which aid is granted and the first of the month following the end of the 60-day period are identical.

Example: (b) The application is made by an authorized representative who signs Form Ag 200B, Application by Authorized Representative of Applicant, on July 14. The signature of the applicant on the prescribed application Form Ag 200 is secured on July 19. The 60-day period from the date the authorized representative signed the affidavit ended September 12, but since this date fell on a Sunday, September 13 is considered the 60th day.

The application is granted on September 15. Aid begins effective September 1, as the first of the month in which the board of supervisors granted the application is earlier than the first of the month following the end of the 60-day period.



Example: (c) The application is signed on July 5. The 60-day period ended September 3. The application is granted November 8. Aid begins October 1, as the first of the month following the end of the 60-day period is earlier than the first of the month in which the board of supervisors granted the application.

### III. AMOUNT OF RETROACTIVE GRANTS

The amount of the grant for each month for which retroactive aid is paid shall be the amount to which the applicant is eligible.

Example: (a) The 60-day period expired September 6, but the application is not granted by the board of supervisors until November 8. Aid is granted from October 1, the first of the month following the expiration of the 60-day period. In October the applicant received \$15 net rental income, but no subsequent rental was received due to vacancy. Therefore \$35 is granted for October and this amount is reported on the Certificate of Eligibility. A Notice of Change increasing the grant to \$50 effective November 1, is also acted upon by the board of supervisors on November 8. The warrants for October and November are delivered in November.

Example: (b) The 60-day period expired September 6, but the board of supervisors did not grant the application until December 13. Aid is effective from October 1. There is no income in October and November, but it is known that the recipient will receive his first annuity payment of \$15 a month in December. Aid for October is granted in the amount of \$50 and is so reported on the Certificate of Eligibility. The recipient requested that his total needs be determined on a budget basis and his total needs were computed to be \$63 a month. Therefore, on the same date (December 13) that the board of supervisors granted aid in the amount of \$50 effective October 1, a Notice of Change decreasing aid effective December 1, to \$48 (\$63 minus \$15) is acted upon and the December warrant in this amount together with the October and November warrants of \$50 each are delivered in December.

Example: (c) The 60-day period expired September 27, but determination of eligibility by board of supervisors action is not until November 3. Aid is granted effective October 1. The applicant has a regular income of \$25 a month from a Veteran's Pension and \$4 a month Value of Occupancy making a total income of \$29 a month. This recipient has requested his needs determined on a budgetary basis and total needs are found to have been \$67 in October, but increased to \$77 on November 1. The increase in total need was due to the need for medical care. On November 3, therefore, aid is granted effective October 1, and the Certificate of Eligibility shows a total need of \$67, income \$29. Grant of aid \$38. Also

on November 3 the board of supervisors acts on a Notice of Change increasing aid to \$48 effective November 1. (Total need \$77 less income \$29 equals \$48) The October grant of \$38 and the November grant of \$48 are both delivered in November.

#### IV. REIMBURSEMENT

There will be no Federal reimbursement on initial warrants which are not delivered in the month for which the aid was granted by the Board of Supervisors. In example (a) above under "Amount of Retroactive Grants," there would be no Federal participation in the October grant as it was not delivered in the month for which it was issued. Likewise in example (b) above there would be no Federal participation in the October and November warrants and in example (c) there would be no Federal participation in the October warrant.

#### V. SUPPLEMENTAL CLAIMS

Supplemental aid claims to cover retroactive aid payments shall be filed in accordance with the present procedure outlined in the Manual of Policies and Procedures, Section 626-50. (Appropriate amendment changing "90" to "60" days will be made.)

#### VI. APPLICANT NOT ELIGIBLE AS OF BEGINNING DATE AS SET FORTH BY SECTION 2183.

If investigation established eligibility only from a date subsequent to the date when aid should be effective under the provisions of Section 2183, aid shall not be granted prior to the date on which the applicant became eligible as established by the investigation.

When the provisions of Section 2183 indicate that aid should begin from the first of a month preceding that in which the Board of Supervisors grants the application, but because of ineligibility of the applicant during one or more of such months, retroactive aid is not paid, a statement of the specific reason for the applicant's ineligibility for such payment shall be made on the Certificate of Eligibility. The necessary statement may be inserted in the space immediately following that provided for Board of Supervisors's action, or on the reverse of the form.

Example: (a) Application signed August 9. The 60-day period terminated October 8. Investigation is completed and board action taken on December 7. Aid should normally be granted from November 1. However, the investigation discloses that the applicant's personal property holdings were excessive during November and he is thus entitled to no retroactive aid payment for November. By December 1st the personal property holdings were within the maximum allowed and aid is granted to begin December 1. On the Certificate of Eligibility report: "Ineligible for November aid -- personal property totaled \$650."



Example: (b) Application signed September 13. Age proof established that the recipient was at least 65 years of age on November 5. The investigation is completed by action of the Board of Supervisors on November 15. Aid normally would begin effective November 1, but is granted effective November 5, the date on which the investigation established recipient was at least 65 years of age.

## VII. RECIPIENT OF PAYMENT

In accord with Manual Sections 201-10 and 610-40, payments of aid shall be made directly to the authorized payee. The payee must be the applicant unless a guardian of the estate, or of the person and the estate, has been appointed, in which case the aid is paid to the guardian.

Section 2183.1 "Whenever a warrant for aid under this chapter has been lost or destroyed before it has been paid by the county treasurer, the amount due thereon may be recovered by the payee by filing with the county auditor an affidavit setting forth the fact of the loss or destruction of the warrant, together with all material facts relative thereto known to the affiant, the amount, the name of the payee, and the date and number of the warrant if the same are known to the affiant. Upon receipt of the affidavit, and without the filing of any bond by the payee, the county auditor may issue and deliver to the payee of the original warrant a duplicate warrant for the full amount of the original warrant, and the county treasurer shall pay the duplicate warrant in lieu of the original warrant.

"A warrant shall be considered to have been lost if it has been mailed, and has not been received by the addressee within 20 days after the date of mailing."

\* \* \* \* \*

Section 2187.01 "From the sums appropriated therefor by the State of California in Section 2021.01 of this chapter, the State Treasurer shall pay to each county an additional amount which shall be used exclusively for aid to needy aged equal to five-sixths of the remainder of the sums expended by the county as aid to the needy aged under this chapter, after deducting from the sums so expended the amount paid to the county under subdivision (1) of Section 2186 of this code, except that the State shall pay the county the full amount of aid granted any person otherwise qualified who has resided in the State for the required period and who has no county residence, after deducting the amount paid with respect to such person under subdivision (1) of Section 2186 of this code.

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature. While this section is in effect it shall supersede Section 2187 of this code, and wherever in any provision of law reference is made to Section 2187, such reference shall be deemed to

refer to this section; but Section 2187 is not repealed by this section and after this section is no longer effective Section 2187 shall have the same effect as though this section had not been enacted."

\* \* \* \* \*

(See comment under Section 2021.01 on page 10.)

Section 2222

"If, at any time during the continuance of aid, the recipient thereof or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount allowed under the provisions of this chapter, the recipient shall immediately notify the board of supervisors of the receipt and possession of such property or income. The board may, on inquiry and with the approval of the State Department of Social Welfare, either cancel the aid or vary the amount thereof in accordance with circumstances. Any excess aid theretofore paid shall be returned to the United States Government, the State, and the county participating in the granting of such aid, in accordance with the provisions of Section 2024, and shall be recoverable as a debt due proportionately to the State and such county."

\* \* \* \* \*

The above amendment does not affect current operations. The new language merely writes into the statute the heretofore accepted and applied doctrine that the Federal government is entitled to its proportionate share of repayments of aid. Moreover, Section 2024 specifically prescribes that the Federal government is entitled to its share of repayments taken under Section 2222, but no such cross-reference appeared in Section 2222 until now.

Section 2222.7

"Whenever the State Department of Social Welfare finds that moneys collected from recipients in repayment of aid granted under this chapter have been collected erroneously, because of mistake of law or fact, refunds shall be made as provided in this section.

"Upon certification by the county or the State Department of Social Welfare that the repayment of aid was made and collected erroneously, the county shall refund to the recipient the amount of the county and State shares of the repayment, and the State shall allow to the county in computing the amounts payable to the county pursuant to Section 2188 a credit for any amount of such refund which has previously been credited to the State. If the United States Government pays or credits to the State the amount of the repayment which has been credited to the United States Government, the State shall allow a credit to the county in the amount of the credit received by the State from the United States Government, and the county shall refund to the recipient the amount so credited to the county.



"This section shall be applied retroactively, to require the refund of all repayments erroneously collected from recipients of aid within the two years immediately preceding its effective date, notwithstanding the provisions of Section 4075 of the Political Code.

\* \* \* \* \*

The above section is new and makes the restoration of erroneous repayments of aid mandatory. Attorney General's Opinion NS4608 held that, in the absence of statutory provisions, such restorations may be made.

Inasmuch as the Social Security Board has not yet indicated if Federal participation will be available for such refunds to recipients, it will be necessary, at least for the time being, to first refund only the State and county shares of the repayments, the Federal share to be refunded if and when the Social Security Board authorizes Federal participation.

A liberal construction of the statute would indicate that the words; "If the U. S. Government pays or credits to the State . . ." have reference to general practice and policy of the U.S. Government rather than to specific individual acts of participation. Therefore, if and when the Social Security Board authorizes Federal participation in the refunds to recipients, the counties will be able to refund the entire amount to the recipient in one sum.

Whenever a county refunds a repayment of aid made by a recipient in accordance with the mandate contained in Section 2222.7, a complete report in writing shall be made to the State Department of Social Welfare.

When the original adjustment (repayment) has already been reported to the State on Form Ag 803 (Report of Adjustments), the county shall, upon refunding the adjustment, report the refund on a current claim on Form Ag 803, making the fiscal entries in red and deducting them from the total of regular adjustments reported. In the "Remarks Column" the county must report the number of the check or warrant by which the refund to the recipient was made. If the county has no regular adjustments to report or if such regular adjustments total less than the refunds to recipients, red entries will appear under the appropriate items on the Aid Affidavit Form Ag 800.

The retroactive effect of this statute (2 years) will enable the counties to make refunds to recipients of erroneous repayments of aid collected during the two year period immediately preceding the effective date of this section, provided that a claim be filed within one year from the effective date. Erroneous repayments of aid collected subsequent to the effective date of the section are not subject to refunds to recipients unless a claim is filed within one year after the last item of the claim accrued. ( Political Code Section 4075.)

Section 2223.5 "Notwithstanding the provisions of Sections 2222 and 2223, a person who has received aid in good faith, honestly believing himself to be entitled thereto, but who is found to have possessed property in excess of the amount allowed under the provisions of this chapter, shall be considered to have been ineligible for aid only during the period for which the excess property, if it had been applied to his support at the rate of the aid granted to him, would have supported him. In such case the recipient shall repay only the aid he received during such period of ineligibility."

\* \* \* \* \*

The above section is new and gives statutory recognition to the doctrine contained in the closing paragraph of Attorney General's Opinion NS4473, namely: "In the absence of fraud or concealment of assets upon the part of the recipients . . . it would be proper that only the excess of the . . . property should be returned."

It must be noted that the above section makes no distinction between real and personal property. Therefore, if a grantee received aid to which he was not entitled by virtue of possession of excess real or personal property and it is indicated that the grantee received the aid in good faith, the right exists to obtain repayment of aid in an amount equal to that of his excess real or personal property; but in no event shall repayment be in an amount greater than the aid which grantee received while possessed of such excess property.

Example:

1. Personal Property

A couple owns personal property valued (in accordance with Sections 2163, 2163.1 and 2163.2) at \$800.00. Both man and wife are receiving Old Age Assistance in the amount of \$35.00 each per month. On 8/20/43 the husband dies, and the surviving spouse, due to oversight on the part of the county remains on aid. It is later (4/11/44) discovered that the spouse has been receiving aid while ineligible from 9/1/43 through 3/31/44 or a period of 7 months. During these 7 months the spouse held excess personal property fluctuating between \$210.00 and \$225.00. Repayment is in order in the amount of \$225.00, which, when applied to her support at the rate of aid granted (\$35.00), covers the period 9/1/43 to 3/13/44. In no event may repayment be required from current aid grants or deductible income.

Example:

2. Real Property

A grantee's real property, due to war conditions, has increased in value and is now assessed at \$3200.00, whereas at the time of making application the verified assessed valuation was \$2900.00. There are no encumbrances of record. Regardless of the period of time during which the assessed valuation was in excess of \$3000.00, the county has creditor's rights against the grantee in the amount of \$200.00 or such lesser amount as equals the aid which he received while ineligible due to possession of excess real property.

Section 2224

"The board of supervisors shall determine if the applicant or recipient of aid has within the State a spouse or adult child pecuniarily able to contribute to the support of the applicant or recipient of aid. A brief form shall be sent to the relative inquiring whether the relative is in fact contributing and will continue to contribute to the support of the applicant pursuant to the provisions of Section 2181. This form shall be completed by the relative as a sworn statement." (The remainder of the section remains unchanged.)

\* \* \* \* \*



Investigation of responsible relatives living within the state shall be in accord with the provisions of the Manual of Policies and Procedures, Section 172-00. Investigation of responsible relatives living outside the State shall be in accord with Section 172-15 recently revised and to be released in the immediate future.

Net income of responsible relatives shall be determined in accord with the procedure outlined in the Manual of Policies and Procedures, Section 172-00, Paragraph 2. However, if the expenses attributable to the procurement and retention of the income represent not more than 10% of the gross income, no further investigation shall be deemed necessary. If the expenses exceed 10% of the gross income further investigation may be made.

Form Ag 225-Revised, (Statement of Responsible Relative of Applicant Under Old Age Security Law), the form for securing the sworn statement of responsible relatives living in the state, has been revised in accord with amended provisions of Section 222<sup>4</sup> of the Welfare and Institutions Code. The use of this form is mandatory.

If the affidavit Form Ag 225-Revised indicates that the responsible relative is already contributing and/or will from this date contribute in an amount equal to that fixed by the revised Relatives' Contribution Scale, or if his affidavit indicates his income is such that under the responsible Relatives' Contribution Scale no contribution may be required and there is no evidence to refute the information given on the relative's affidavit, no further inquiry shall be made into the responsible relative's financial circumstances. However, in the presence of information which appears to refute the affidavit, it is expected that the county will exercise reasonable diligence in investigating further the financial circumstances of the relative.

If the Form Ag 225-Revised indicates that the responsible relative is not contributing in the amount fixed by the Responsible Relatives' Scale, due consideration shall be given to unusual expenses and obligations which the responsible relative may have listed on his affidavit. In unusual cases it may be found that the relative has a degree of liability which is less than that fixed by the Relatives' Contribution Scale, and in some cases there may be a finding of no liability. If there is evidence which indicates that the financial circumstances are not as shown on the affidavit further investigation shall be made.

#### RESPONSIBILITY OF MARRIED DAUGHTER

The degree of legal responsibility of a married daughter for support of a parent shall be measured by the scale but only on the basis of that income which is her separate property. The married daughter living in the State shall be requested to file Form Ag 225-Revised, but no contribution shall be requested unless such form indicates that the daughter, due to her separate income, has a degree of liability under the scale.

If the married daughter has no separate income she need complete only items 1 and 2 of the Form Ag 225-Revised.

(See Revised Form Ag 225 on next page.)